

Court File No: CV-21-00671048-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE	)	_FRIDAY, THE 29th_
JUSTICE JASMINE T. AKBARALI	)	DAY OF SEPTEMBER,
		2024

BETWEEN:

MARTHA BANMAN, RUTH ATKIN by her estate representative ELLEN ATKIN, LOUISE
BARK and ELLEN ATKIN

Plaintiffs

-and-

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, ATTORNEY GENERAL OF
ONTARIO, DONALD ANGUS GALBRAITH, and SAM SWAMINATH (formerly
RANGASMUDRAM SUBRAMANYAM SWAMINATH)

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER
(Notice of Certification)

THIS MOTION made by the Plaintiffs, with the consent of His Majesty the King in Right of Ontario (the “Defendant”), for an order approving the form, content, and method of publication and dissemination of the Notices of Certification (“Notices”), was read this day, at the courthouse, 361 University Avenue, Toronto, Ontario.

ON READING the materials filed by the Plaintiffs, including the draft Notices of Certification, and on being advised of the consent of the parties;

1. **THIS COURT ORDERS** that the Notices attached as Schedules “A” and “B” (the “Long Form Notices”), Schedule “C” and “D” (the “Short Form Notices”), Schedules “E” and “F” (the “Press Releases”) and Schedules “G” and “H” (the “Opt Out Forms”), shall be disseminated in substantially the same form and substance as the attached Schedules.
2. **THIS COURT ORDERS** that Dewar Communications Inc. is appointed as Notice Administrator.
3. **THIS COURT ORDERS** that, within 30 business days of the date of this Order, the Defendant shall provide Class Counsel and the Notice Administrator with the last known mailing addresses of all Class Members identified based on searches conducted of certain of the Defendant’s databases, namely, the Ontario Health Insurance Plan’s Registered Persons Database and Ontario’s birth and death registries, as specified in the draft consent Orders attached as Schedules “N” and “O”.
4. **THIS COURT ORDERS** that, within 30 days of receiving the Class Members’ addresses provided by the Defendant pursuant to paragraph 3 of this Order, the Notice Administrator shall mail, by regular mail, to the last known addresses of Class Members as provided by the Defendant, a letter substantially in the form attached as Schedules “I” and “J”, enclosing the Short Form and Long Form Notices of Certification and the Opt Out Forms.
5. **THIS COURT ORDERS** that, within 30 days of the date of this Order, the Notice Administrator shall mail and e-mail to all Class Members on Class Counsel’s distribution list a letter, substantially in the form attached as Schedules “I” or “J”, enclosing the Short Form

and Long Form Notices and the Opt Out Form in English or French, based on their language of correspondence.

6. **THIS COURT ORDERS** that Class Counsel shall release the Press Releases through Cision (formerly Canada Newswire), once, in English and French, within 30 days of the date of this Order.
7. **THIS COURT ORDERS** that the Notice Administrator shall publish the Short Form Notices of Certification in the form attached above as Schedules “C” and “D” to this Order in *The Globe and Mail* and *The Toronto Star*, within 30 days of the date of this Order.
8. **THIS COURT ORDERS** the Notice Administrator to publish, via paid digital advertising on Google, Facebook, Instagram, and X (formerly Twitter), an abbreviated version of the Short Form Notices, as agreed to between the parties, linking to the St. Thomas Psychiatric Hospital Forensic Unit Class Action page on Class Counsel’s website, within 30 days of the date of this Order.
9. **THIS COURT ORDERS** Class Counsel to maintain on their firm website a webpage designated to this action and, within 30 days of the date of this Order, make the following available on the website: the Short Form Notices, the Long Form Notices, contact information for the Notice Administrator and Class Counsel, and the Opt Out Forms.
10. **THIS COURT ORDERS** Class Counsel to provide notice through their social media accounts by providing a link to their dedicated webpage for this action on their X and LinkedIn accounts, within 30 days of the date of this Order.

11. **THIS COURT ORDERS** that, within 30 days of the date of this Order, Class Counsel shall provide notice of this action to the Public Guardian and Trustee, by sending them by e-mail and regular mail, a letter, substantially in the form attached as Schedule “K” to this Order, containing a description of the proceeding and enclosing the Short and Long Form Notices, the Opt Out Forms, the Amended Statement of Claim, and the Certification Decision.
12. **THIS COURT ORDERS** that the Notice Administrator shall deliver by mail and e-mail a letter, substantially in the form attached as Schedule “L”, enclosing the Short and Long Form Notices and the Opt Out Forms to ARCH Disability Law Centre and all designated “Schedule 1” psychiatric facilities (except those which provide services exclusively to children and youth) under the *Mental Health Act*, R.S.O. 1990, c. M.7, which are also listed as Schedule “M” to this Order.
13. **THIS COURT ORDERS** that the Notice Administrator shall be responsible for receiving, recording, and reporting on the Opt Out Forms both that they receive and those that are received by the parties.
14. **THIS COURT ORDERS** that any Class Member who does not opt out of the action by the Opt Out Deadline is bound by any court decision or any settlement reached by the parties, and may not otherwise opt out or exclude themselves from the action without leave of the Court.
15. **THIS COURT DIRECTS** that, within 30 days of the Opt Out Deadline, the Notice Administrator shall deliver to Class Counsel and Counsel for the Defendant an affidavit

describing the steps taken to effect publication and dissemination of the Notices of Certification and attaching all Opt Outs received by the Notice Administrator or the parties by the Opt Out Deadline.

16. **THIS COURT DIRECTS** that if the contact information provided by the Defendant, as described at paragraphs 3 and 4 above, does not provide a sufficient number of last known addresses for the Class Members, the parties may reattend for a further Order or directions.
17. **THIS COURT ORDERS** that the Plaintiffs bear all costs associated with publishing and effecting Notices of Certification and the Opt-out process, including translation costs, and the Defendant bear all costs associated with conducting searches and producing the Class Members' contact information, set out at paragraph 3, above.
18. **THIS COURT ORDERS** there shall be no costs of this motion.

Justice Jasmine T. Akbarali

**LONG FORM NOTICE TO CLASS MEMBERS: ST. THOMAS
PSYCHIATRIC HOSPITAL FORENSIC UNIT CLASS ACTION**

**ST. THOMAS PSYCHIATRIC HOSPITAL FORENSIC UNIT CLASS ACTION
NOTICE OF CERTIFICATION**

To all persons who were patients in the Psychosocial Treatment Program or PST Program on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992 and their family members

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

This document includes references to allegations of psychological, physical and sexual assault, and the content may be distressing or triggering for some readers. You may wish to review this document in private or in the presence of a trusted person. If you find the content upsetting, consider seeking support.

On October 31, 2023, the Ontario Superior Court of Justice (the “Court”) certified a class action on behalf of individuals who were patients in the Psychosocial Treatment Program or PST Program on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992 (including their estates), and their family members.

The Defendant in this action is the government of Ontario, which was responsible for operating this Program.

The Court appointed Martha Banman, Ruth Atkin by her estate representative Ellen Atkin, and Louise Bark as representative plaintiffs for the Class and Ellen Atkin as the representative plaintiff for the Family Class, described below.

This class action was commenced in the Superior Court of Justice in the City of Toronto.

If you were a patient in the Psychosocial Treatment Program (referenced as unit 2C, P2C, PST or PSTU) on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992, you should read this notice carefully. **Ignoring this notice will affect your legal rights.**

**Action and
Alleged Claims**

St. Thomas Psychiatric Hospital, located in St. Thomas, Ontario, was a psychiatric facility operated by the government of Ontario. In this lawsuit, the Plaintiffs allege that patients detained in the Psychosocial Treatment Program or PST Program on the forensic unit of St. Thomas were subjected to an experimental, abusive and punitive patient-run Program with no medical merit. It is alleged that, as part of this Program, the patients were subjected to psychological, physical, and sexual abuse. It is alleged that this Program, which was run by the government of Ontario, caused the Class Members harm. The Court has not made any determination yet on the merits of these allegations. The Defendant, the government of Ontario, denies these allegations.

The action seeks, among other things, damages for negligence and breach of fiduciary duty, as well as damages allegedly suffered by family members of individuals who were patients in the Program.

**The
Certification
Decision**

The common issues to be resolved through this lawsuit are:

Fiduciary duty common issues

- (1) By its administration, implementation, and operation of the PST Program, did Ontario owe a fiduciary duty to the Class Members?
- (2) If the answer to No. 1 is “yes”, what was the content of that fiduciary duty?
- (3) If the answer to No. 2 is “yes”, did Ontario breach the fiduciary duty owed to some or all of the Class Members?

Negligence common issues

- (4) By its administration, implementation, and operation of the PST Program, did the Government of Ontario owe a duty of care to the Class Members?
- (5) If the answer to No. 4 is “yes”, what was the standard of care?
- (6) If the answer to No. 4 is “yes”, did Ontario breach the duty of care owed to some or all of the Class Members?

Vicarious liability common issues & breach of non-delegable duty common issues

- (7) Is Ontario vicariously liable for the tortious acts and omissions of St. Thomas patients?

(8) Did Ontario owe the Class Members a non-delegable duty to provide them with observation, care, and treatment?

(9) If the answer to No. 8 is “yes”, by facilitating or permitting the administration, implementation, and operation of the PST Program at St. Thomas, did Ontario breach the non-delegable duty or duties it owed the Class Members?

Limitation Periods

(10) Did Ontario conceal the Class Members’ cause of action such that the application of any limitation period is tolled by one or more of: (a) the common law doctrine of fraudulent concealment; or (b) section 15(4)(c) of the *Limitations Act, 2002*?

(11) Do ss. 16(1)(h), 16(1)(h.1), and/or 16(1)(h.2) of the *Limitations Act, 2002* preclude the application of any limitation period to the claims of some or all of the Class Members?

The Plaintiffs are seeking an affirmative answer to each of these questions.

Certification is a procedural step that defines the form of the litigation, allowing it to be pursued on behalf of the Class Members. The Certification Order allows the action to proceed to trial as a class action on behalf of a “Class,” or group of people, that could include you.

THIS NOTICE DOES *NOT* MEAN THAT THE COURT HAS DECIDED ON THE LIKELIHOOD OF RECOVERY ON THE PART OF ANY CLASS MEMBER, OR DETERMINED THE MERITS OF THE CLAIMS OR DEFENCES ASSERTED BY EITHER SIDE.

Are You a Class Member?

The St. Thomas Class Action includes two different classes:

- a) All persons who were patients in the Psychosocial Treatment Program (referenced as unit 2C, P2C, PST or PSTU) or its successor PST Program on the forensic unit at St. Thomas between 1976 and 1992, or their estates, (“Class Members”); and
- b) 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 Class Members have a derivative claim for damages under s. 61 of the *Family Law Act*, R.S.O. 1990, c. F.3 or other equivalent provincial or territorial legislation (“Family Class Members”).

The Class Members are represented by the Court-appointed representative plaintiffs: Martha Banman, Ruth Atkin by her estate representative Ellen Atkin, Louise Bark and Ellen Atkin.

**How can I
participate in the
class action?**

If you were a patient in the Psychosocial Treatment Program or its successor PST Program on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992, you do not need to take any further action to join this class action. You are automatically included in the action and you may be entitled to compensation following a determination of your individual claim.

As a Class Member, you will not be responsible for legal costs if the class action is dismissed.

If a settlement is reached, Class Members may be entitled to share in the amount of any settlement recovered.

If the common issues set out above are determined in favour of the class at the common issues trial or a summary judgment motion, the next step will be the determination of individual class members' claims.

Class Members will be advised by way of a subsequent court approved notice if this action proceeds to the determination of individual claims. Class Members wishing to prove their individual claims and their individual damages may be entitled to compensation.

You should preserve any records you have regarding your time in the Psychosocial Treatment Program or its successor PST Program, as well as any medical records relating to therapy or treatment you received as a result of your experience at St. Thomas, for the determination of your claim. Class Counsel are available to assist with you obtaining any relevant records, and may be contacted at the coordinates below:

contact@rochongenova.com
(416) 363-1867
1-800-462-3864

IF YOU DO NOTHING AND REMAIN A CLASS MEMBER, YOU ARE NOT REQUIRED TO PAY LEGAL COSTS OR OTHER EXPENSES.

Every Class Member who does not opt out of the class action will be bound by the terms of any judgment or settlement.

**How can I
exclude myself
from the class
action?**

If you are a Class Member and do not want to participate in this class action, you must take steps to “opt out” of the lawsuit by **[6 months from the date of the Court Order approving the notice plan]**.

By opting out, you preserve your right to commence or continue your own claim, subject to any limitation periods. If you opt out, **you will not be**

entitled to any compensation that may become available as part of the class action.

If you would like to opt out, the deadline to do so is **[180 days from the date of the Court Order approving the notice plan]**. To opt out, you must complete, sign and deliver an Opt Out Form, available on the website of Class Counsel, to the Administrator by **[date]**, by email or by regular mail or courier to this address:

St. Thomas Psychiatric Hospital Forensic Unit Class Action

Dewar Communications Inc.
9 Prince Arthur Avenue
Toronto, ON M5R 1B2
StThomasclassaction@dewarcom.com
T: +1-416-921-1827 ext. 229

After the **Opt Out Deadline**, you may no longer opt out of the class action, and will be bound by the result of any judgment, whether favourable or not, or settlement reached on behalf of the Class.

If a Class Member cannot personally make an election to opt out, the person making the election for the Class Member must provide, with the Opt Out Form, their personal information, together with a copy of the document that permits the person to act on the Class Member's or Class Member's estate's behalf.

Class counsel will bring a motion for the court's approval of the opt-outs submitted on behalf of those Class Members without capacity and Class Member estates, upon notice to the Public Guardian and Trustee.

If you require a hard copy of the Opt Out Form, you may contact the Administrator or Class Counsel at the e-mail address below before **[Opt Out Deadline]**

What Happens Next?

The class action will proceed to a common issues trial or summary judgment motion to determine the merits of the common issues certified by the Court. If the Plaintiffs are successful at the common issues trial, there will be a determination of individual issues.

If the parties reach a settlement in the future, the Court must approve it. If the action is not successful, that result will bind all Class Members. Class Members will be bound by any judgment or settlement agreement that is approved by the Court.

Regardless of the outcome, no Class Member will have to pay for any expenses or legal costs associated with the common issues trial or summary

judgment trial. The retainer agreements between the representative plaintiffs and Class Counsel provide that Class Counsel will pay for all disbursements and indemnify the representative plaintiffs for any adverse costs awards.

**How can I
receive updates
about the Class
Action?**

If you wish to receive updates about the status of the St. Thomas class action, you may contact Class Counsel at any time at the phone number or email addresses provided below. You may also contact Class Counsel and request to be added to their database of Class Members so that formal updates in relation to the progress of the action are brought to your attention via phone or email:

contact@rochongenova.com
(416) 363-1867
1-800-462-3864

**Class Counsel
and Legal Fees**

If the Plaintiffs succeed at the common issues trial, following an individual claims determination, or if a settlement is reached, Class Counsel will be seeking costs from the Defendant and/or a contingency fee payment from the judgment or settlement funds subject to court approval. The retainers between the representative plaintiffs and Class Counsel provide that Class Counsel will be paid a 30% contingency fee in relation to the class proceeding, plus applicable taxes and disbursements, subject to Court approval.

Class Members will receive further notices of any major steps in the litigation, including any proposed settlement. If the action is settled, Class Members will have an opportunity to “object” to both the settlement terms, including the dollar value of the settlement, and Class Counsel’s contingency fee if you do not think they are appropriate.

**How Do I Learn
More?**

For more information on the St. Thomas class action visit the webpage of Class Counsel at <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>

You can also learn more by contacting Class Counsel by phone. For assistance in English or French call: (416) 363-1867 or 1-800-462-3864. There is **no charge** to speak with Class Counsel to discuss the class action, have your questions answered, or to retrieve a copy of the opt out form or any related documents. Class Counsel are:

ROCHON GENOVA LLP
121 Richmond St. West
Suite 900
Toronto, ON, M5H 2K1

Joel P. Rochon
Golnaz Nayerahmadi
Sarah J. Fiddes
jrochon@rochongenova.com
gnayerahmadi@rochongenova.com
sfiddes@rochongenova.com

The publication of this notice to Class Members has been approved by the Ontario Superior Court of Justice.

**AVIS DÉTAILLÉ AUX MEMBRES DU GROUPE : RECOURS
COLLECTIF DE L'HÔPITAL PSYCHIATRIQUE ST. THOMAS**

**RECOURS COLLECTIF DU SERVICE DE MÉDECINE LÉGALE DE L'HÔPITAL
PSYCHIATRIQUE ST. THOMAS**

AVIS DE AUTORISATION

**À toutes les personnes qui ont été des patients du programme de traitement psychosocial
ou le programme PST au service de médecine légale de l'hôpital psychiatrique St.
Thomas entre 1976 et 1992 et aux membres de leur famille**

Veuillez lire le présent avis attentivement, car il pourrait affecter vos droits juridiques

**Ce document fait référence à des agressions psychologiques, physiques et sexuelles, et le contenu
peut être troublant ou constituer un effet déclenchant pour certains lecteurs. Vous êtes
encouragés à consulter ce document en privé ou en présence d'une personne de confiance.
Si vous trouvez le contenu bouleversant, pensez à demander de l'aide.**

Le 31 octobre 2023, la Cour supérieure de justice de l'Ontario (la « Cour ») a autorisé un recours collectif au nom de personnes qui étaient des patients du programme de traitement psychosocial ou du programme PST du service de médecine légale de l'hôpital psychiatrique St. Thomas entre 1976 et 1992 (y compris leurs successions), et des membres de leur famille.

Le défendeur dans ce recours est le gouvernement de l'Ontario, qui était responsable de la gestion de ce programme.

La Cour a nommé Martha Banman, Ruth Atkin par sa représentante successorale, Ellen Atkin, et Louise Bark à titre de représentantes des demandeurs pour le groupe, et Ellen Atkin à titre de représentante des demandeurs pour la catégorie du regroupement familial, selon la description ci-dessous.

Ce recours collectif a été intenté devant la Cour supérieure de justice de la ville de Toronto.

Si vous étiez un patient du programme de traitement psychosocial (nommé l'unité 2C, P2C, PST ou PSTU) du service de médecine légale de l'hôpital psychiatrique St. Thomas entre 1976 et 1992, vous devriez lire

attentivement le présent avis. **Le fait d'ignorer le présent avis aura une incidence sur vos droits reconnus par la loi.**

Recours et allégations

L'hôpital psychiatrique St. Thomas, situé à St. Thomas, en Ontario, était un établissement psychiatrique exploité par le gouvernement de l'Ontario. Dans ce recours, les demandeurs allèguent que les patients internés dans le cadre du programme de traitement psychosocial ou du programme PST du service de médecine légale de St. Thomas ont été soumis à un programme expérimental, punitif et abusif sans fondement médical et dirigé par des patients. Il est allégué que, dans le cadre de ce programme, les patients ont été soumis à des violences psychologiques, physiques et sexuelles. Il est allégué que ce programme, qui était géré par le gouvernement de l'Ontario, a porté préjudice aux membres du groupe. La Cour n'a pas encore rendu de décision sur le bien-fondé de ces allégations. Le défendeur, le gouvernement de l'Ontario, réfute ces allégations.

L'action vise, entre autres, à obtenir des dommages-intérêts pour négligence et manquement aux obligations fiduciaires, ainsi que des dommages qu'auraient subis des membres de la famille de personnes qui étaient des patients du programme.

La décision en matière de certification

Les questions communes à résoudre par le biais de cette poursuite judiciaire sont les suivantes :

Questions communes liées aux obligations fiduciaires

(1) En raison de l'administration, de la mise en œuvre et du fonctionnement du programme PST, le gouvernement de l'Ontario avait-il une obligation fiduciaire envers les membres du groupe?

(2) Si la réponse à la question n° 1 est « oui », quel était le contenu de cette obligation fiduciaire?

(3) Si la réponse au n° 2 est « oui », l'Ontario a-t-il manqué à son obligation fiduciaire envers certains ou tous les membres du groupe?

Questions communes liées à la négligence

(4) En raison de l'administration, de la mise en œuvre et du fonctionnement du programme PST, le gouvernement de l'Ontario avait-il une obligation de diligence à l'égard des membres du groupe?

(5) Si la réponse à la question no 4 est « oui », quelle était la norme de diligence?

(6) Si la réponse à la question no 4 est « oui », l'Ontario a-t-il manqué à son obligation de diligence envers certains ou tous les membres du groupe?

Questions communes liées à responsabilité du fait d'autrui et au manquement à une obligation non transmissible

(7) L'Ontario est-il tenu indirectement responsable des actes délictueux et omissions des patients de St. Thomas?

(8) L'Ontario avait-il une obligation non transmissible envers les membres du groupe de les mettre en observation, de les soigner et de leur faire suivre un traitement?

(9) Si la réponse à la question n° 8 est « oui », en facilitant ou en permettant l'administration, la mise en œuvre et le fonctionnement du Programme PST à St. Thomas, l'Ontario a-t-il manqué à ses obligations non transmissibles envers les membres du groupe?

Délais de prescription

(10) L'Ontario a-t-il dissimulé la cause d'action des membres du groupe de sorte que l'application d'un délai de prescription est imposée par un ou plusieurs des éléments suivants : a) la doctrine de la loi commune sur la dissimulation frauduleuse; ou b) l'alinéa 15(4)(c) de la *Loi de 2002 sur la prescription des actions*?

(11) Les paragraphes 16(1)(h), 16(1)(h.1) ou 16(1)(h.2) de la *Loi de 2002 sur la prescription des actions* empêchent-ils l'application des délais de prescription aux réclamations de certains ou de tous les membres du groupe?

Les demandeurs s'attendent à obtenir une réponse affirmative à chacune de ces questions.

La certification est une étape de la procédure qui définit la forme du procès, afin que celui-ci puisse être intenté au nom des membres du groupe. L'ordonnance de certification permet au recours de procéder à l'instruction en tant que recours collectif au nom d'un groupe de personnes dont vous pourriez faire partie.

LE PRÉSENT AVIS NE SIGNIFIE PAS QUE LA COUR A DÉCIDÉ DE LA PROBABILITÉ D'INDEMNISATION DE LA PART D'UN MEMBRE DU GROUPE, OU A DÉTERMINÉ LE BIEN-FONDÉ DES RÉCLAMATIONS OU DES MOYENS DE DÉFENSE INVOQUÉS PAR L'UNE OU L'AUTRE DES PARTIES.

**Êtes-vous un
membre du
groupe?**

Le recours collectif de St. Thomas comprend deux catégories différentes :

- a) Toutes les personnes qui étaient des patients dans le programme de traitement psychosocial (appelé unité 2C, P2C, PST ou PSTU) ou le programme qui lui a succédé au service de médecine légale à St. Thomas entre 1976 et 1992, ou leurs successions (« membres du groupe »); et
- b) Toutes les personnes, y compris, mais sans s'y limiter, les conjoints, les enfants, les parents et les autres membres de la famille qui, en raison d'une relation personnelle avec un ou plusieurs membres du groupe, ont des réclamations par filiation en dommages-intérêts en vertu de l'article 61 de la *Loi de 1990 sur le droit de la famille*, L.R.O. chap. F.3 ou d'autres lois provinciales ou territoriales équivalentes (« Membres de la catégorie du regroupement familial »).

Les membres du groupe sont représentés par les représentants des demandeurs désignés par la Cour : Martha Banman, Ruth Atkin, par sa représentante successorale Ellen Atkin, Louise Bark et Ellen Atkin.

**Comment puis-je
participer au
recours collectif?**

Si vous étiez un patient du programme de traitement psychosocial ou du programme PST qui lui a succédé au service de médecine légale de l'hôpital psychiatrique St. Thomas entre 1976 et 1992, vous n'avez aucune autre mesure à prendre pour vous joindre à ce recours collectif. Vous êtes automatiquement inclus dans le recours et vous pourriez avoir droit à une indemnisation après avoir déterminé votre réclamation individuelle.

En tant que membre du groupe, vous ne serez pas responsable des frais juridiques si le recours collectif est rejeté.

Si un règlement est rendu, les membres du groupe peuvent avoir le droit de partager le montant de tout règlement recouvré.

Si des décisions favorables au groupe sont prises au sujet des questions communes énoncées ci-dessus à l'étape de l'instruction des questions communes ou lors du jugement sommaire sur la motion, la prochaine étape consistera à prendre une décision sur les réclamations de chacun des membres du groupe.

Les membres du groupe seront avisés au moyen d'un avis ultérieur approuvé par le tribunal si ce recours passe à l'étape de la détermination des réclamations individuelles. Les membres du groupe qui souhaitent prouver leur réclamation individuelle et leurs dommages individuels pourraient avoir droit à une indemnisation.

Vous devriez conserver tous les dossiers que vous possédez concernant votre séjour dans le programme de traitement psychosocial ou le programme qui lui a succédé, ainsi que tous les dossiers médicaux relatifs

à la thérapie ou au traitement que vous avez reçu à la suite de votre expérience à St. Thomas, aux fins de décider de votre réclamation. Les avocats du groupe sont disponibles pour vous aider à obtenir des documents pertinents et peuvent être contactés aux coordonnées ci-dessous :

contact@rochongenova.com
416 363-1867
1 800 462-3864

SI VOUS NE FAITES RIEN ET RESTEZ MEMBRE DU GROUPE, VOUS N'ÊTES PAS TENU DE PAYER LES FRAIS JURIDIQUES OU D'AUTRES DÉPENSES.

Chaque membre du groupe qui ne se retire pas du recours collectif sera lié par les dispositifs de tout jugement ou règlement.

Comment puis-je m'exclure du recours collectif?

Si vous êtes un membre du groupe et que vous ne souhaitez pas participer à ce recours collectif, vous devez prendre des mesures pour vous « retirer » de la poursuite **avant le [6 mois à compter de la date de l'ordonnance du tribunal approuvant le plan d'avis].**

En vous excluant, vous préservez votre droit de faire valoir votre propre réclamation sous réserve des délais de prescription. Si vous vous excluez, **vous n'aurez droit à aucune indemnisation qui pourrait être versée dans le cadre du recours collectif.**

Si vous souhaitez vous retirer, le délai pour le faire est de **[180 jours à compter de la date de l'ordonnance de la Cour approuvant le plan d'avis].** Pour vous exclure, vous devez remplir, signer et transmettre à l'administrateur un formulaire de retrait, disponible sur le site Web de l'avocat du groupe avant le **[date]** par courriel ou par la poste ou par messagerie à l'adresse suivante :

**Recours collectif du service de médecine légale de l'hôpital
psychiatrique St. Thomas**

Dewar Communications Inc.
9, avenue Prince Arthur
Toronto (Ontario) M5R 1B2
StThomasclassaction@dewarcom.com
Tél. : +1 416 921-1827 poste 229

Après la **date limite de retrait**, vous ne pouvez plus vous retirer du recours collectif et serez lié par le résultat de tout jugement, qu'il soit favorable ou non, ou d'un règlement conclu au nom du groupe.

Si un membre du groupe n'est pas habilité à prendre lui-même la décision de se retirer, la personne qui effectue le choix au nom du membre du groupe doit fournir, en plus du formulaire de retrait, ses renseignements personnels, ainsi qu'une copie du document qui autorise la personne à agir au nom du membre du groupe ou de la succession du membre du groupe.

L'avocat du groupe présentera une requête pour approbation par le tribunal des retraits soumis au nom des membres du groupe dépourvus de capacité, et de la succession des membres du groupe, sur avis au Tuteur et curateur public.

Si vous souhaitez recevoir une copie papier du formulaire de retrait, vous pouvez communiquer avec l'administrateur ou l'avocat du groupe à l'adresse de courriel ci-dessous avant le **[Date limite de retrait]**

Que se passe-t-il ensuite?

Le recours collectif passera à l'étape de l'instruction des questions communes ou du jugement sommaire pour déterminer le bien-fondé des questions communes certifiées par la Cour. Si les demandeurs ont gain de cause lors de l'instruction des questions communes, une décision sur les questions individuelles sera prise.

Si les parties arrivent à un accord par la suite, la Cour doit l'approuver. Si le recours est rejeté, ce résultat liera tous les membres du groupe. Les membres du groupe seront liés par tout jugement ou accord de règlement approuvé par la Cour.

Quel que soit le résultat, aucun membre du groupe n'aura à payer pour les dépenses ou les frais juridiques associés à l'instruction des questions communes ou au procès par jugement sommaire. Les ententes concernant le mandat de représentation en justice entre les représentants des demandeurs et l'avocat du groupe prévoient que l'avocat du groupe paiera pour tous les débours et indemniser les représentants des demandeurs pour les dépens advenant une décision défavorable.

Comment puis-je recevoir des mises à jour sur le recours collectif?

Si vous souhaitez recevoir des mises à jour sur l'état du recours collectif de St. Thomas, vous pouvez contacter l'avocat du groupe à tout moment au numéro de téléphone ou aux adresses de courriel fournis ci-dessous. Vous pouvez également communiquer avec l'avocat du groupe et demander à être ajouté à la base de données des membres du groupe afin que des mises à jour officielles concernant l'avancement du recours vous soient transmises par téléphone ou par courriel :

contact@rochongenova.com
416 363-1867
1 800 462-3864

**Honoraires de
l’avocat du
groupe et
honoraires
juridiques**

Si les demandeurs ont gain de cause lors de l’instruction des questions communes, à la suite d’une décision sur les réclamations individuelles, ou si un règlement est rendu, l’avocat du groupe demandera des frais au défendeur ou un versement d’honoraires conditionnels résultant du jugement ou des fonds de règlement sous réserve de l’approbation du tribunal. Les mandats de représentation en justice entre les représentants des demandeurs et l’avocat du groupe prévoient que l’avocat du groupe recevra des honoraires conditionnels de 30 % relativement au recours collectif, plus les taxes et débours applicables, sous réserve de l’approbation de la Cour.

Les membres du groupe recevront d’autres avis concernant toute étape importante du litige, y compris tout règlement proposé. Si le recours aboutit à un règlement, les membres du groupe auront l’occasion de « s’opposer » à la fois aux modalités du règlement, y compris la valeur en dollars du règlement, et aux honoraires conditionnels de l’avocat du groupe dans le cas où ils ne seraient pas appropriés.

**Comment puis-je
en apprendre
davantage?**

Pour plus d’informations sur le recours collectif de St. Thomas, visitez la page Web de l’avocat du groupe à <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>

Vous pouvez également en apprendre davantage en communiquant avec l’avocat du groupe par téléphone. Pour obtenir de l’aide en français ou en anglais, composez le numéro suivant : 416 363-1867 ou 1 800 462-3864. Les conversations avec l’avocat du groupe pour examiner le recours collectif, obtenir des réponses à vos questions ou pour récupérer une copie du formulaire de retrait ou de tout document connexe sont **gratuites**.
Avocats du groupe :

ROCHON GENOVA LLP

121, rue Richmond Ouest
Bureau 900,
Toronto (Ontario) M5H 2K1

Joel P. Rochon
Golnaz Nayerahmadi
Sarah J. Fiddes

jrochon@rochongenova.com
gnayerahmadi@rochongenova.com
sfiddes@rochongenova.com

La publication du présent avis aux membres du groupe a été approuvée par la Cour supérieure de justice de l’Ontario.

ST. THOMAS PSYCHIATRIC HOSPITAL FORENSIC UNIT CLASS ACTION NOTICE OF CERTIFICATION

To all persons who were patients in the Psychosocial Treatment (PST) Program at St. Thomas Psychiatric Hospital between 1976 and 1992 and their family members

PLEASE READ CAREFULLY. IGNORING THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS

This document includes reference to allegations of psychological, physical and sexual assault, and the content may be distressing or triggering for some readers. You may wish to review this document in private or in the presence of a trusted person. If you find the content upsetting, consider seeking support.

WHO IS THIS NOTICE FOR?

This Notice is directed to:

- 1) All persons who were patients in the Psychosocial Treatment Program (referenced as unit 2C, P2C, PST or PSTU) on the forensic unit at St. Thomas between 1976 and 1992, or their estates, ("Class Members"); and
- 2) 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 Class Members have a derivative claim for damages under [s. 61](#) of the [Family Law Act, R.S.O. 1990, c. F.3](#) or other equivalent provincial or territorial legislation.

WHAT IS THIS CLASS ACTION ABOUT?

On October 31, 2023, the Ontario Superior Court (the "Court") certified a class action against the government of Ontario in relation to the operation of the Psychosocial Treatment Program or the PST Program in the forensic unit of St. Thomas Psychiatric Hospital from 1976 to 1992. St. Thomas Psychiatric Hospital was a psychiatric facility operated by the government of Ontario located in St. Thomas, Ontario.

The lawsuit alleges that patients in the forensic unit of St. Thomas were subjected to an experimental, abusive and punitive patient-run Program with no medical merit. It is alleged that, as part of this Program, the patients were subjected to psychological, physical, and sexual abuse. It is further alleged that this Program, which was run by the government of Ontario, caused the Class Members harm. The Court has not made any determination yet on the merits of these allegations. The Defendant, the government of Ontario, denies these allegations.

The action seeks, among other things, damages for negligence and breach of fiduciary duty, as well as damages allegedly suffered by family members of individuals who were patients in the Program.

PARTICIPATING IN THE CLASS ACTION

If you were a patient in the Psychosocial Treatment Program or the PST Program on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992, you are automatically included in the action and do not need to do anything at this time. You do not need to take any further action to join this class action. As a Class Member, you will not be responsible for legal costs if the class action is unsuccessful.

If the action is successful and a settlement or judgment is reached, a further notice will be provided with complete details concerning the terms of the settlement or judgment. Class Members who do not opt out of the action will be bound by the terms of any judgment or settlement, whether favourable or not, and will not be allowed to bring their own individual claim against the Defendant for any matter related to the action. If the common issues are determined in favour of the class, individual determinations may be required to determine entitlement to, and the amount of, any damages. If a settlement is reached, Class Members may be entitled to share in the amount of any settlement recovered. You will have the opportunity to decide whether you wish to proceed with your individual trial after the determination of the common issues.

OPTING OUT OF THE CLASS ACTION

You have the right to exclude yourself from the class action by delivering an **Opt Out** form before **[Opt-Out deadline]** to the Administrator at the address provided below. The Opt Out Form is available on the website of Class Counsel at the following link: <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>. By opting out, you preserve your right to commence or continue your own individual claim subject to limitation periods.

If you require a hard copy of the Opt Out form, you may contact the Administrator at the following phone number or e-mail address below. Opt Out Forms must be received by **[Opt-Out Deadline]**:

St. Thomas Psychiatric Hospital Forensic Unit Class Action

Dewar Communications Inc.
9 Prince Arthur Avenue
Toronto, ON M5R 1B2
T: +1-416-921-1827 ext. 229

StThomasclassaction@dewarcom.com

WHO REPRESENTS ME? CLASS COUNSEL ARE:

The Plaintiffs and the Class Members are represented by *Rochon Genova LLP*, who is acting on a contingency basis. This means that legal fees, disbursements and applicable taxes will be payable only in the event of success in the action. *Rochon Genova LLP* is also paying all disbursements incurred in the action. In the event of success in the action, Class Counsel will bring a motion to the Court to have their fees and disbursements approved. As a Class Member, you will not be required to pay any costs in the event that the action is unsuccessful.

Class Counsel may be contacted at the coordinates below:

Rochon Genova LLP
Barristers • Avocats
900-121 Richmond St. W.

Joel P. Rochon
Golnaz Nayerahmadi
Sarah J. Fiddes

Tel: (416) 363-1867
1-800-462-3864
contact@rochongenova.com

FOR MORE INFORMATION:

If you have questions about the St. Thomas Psychiatric Hospital Forensic Unit class action and/or would like to obtain more information about this action, you may contact Class Counsel or review the Long Form Notice available on Class Counsel's website.

This Notice has been approved by the Ontario Superior Court of Justice

RECOURS COLLECTIF DE L'HÔPITAL PSYCHIATRIQUE ST. THOMAS

AVIS DE AUTORISATION

À toutes personnes qui ont été des patients du programme de traitement psychosocial (PST) de l'hôpital psychiatrique St. Thomas entre 1976 et 1992 et aux membres de leurs familles

VEUILLEZ LIRE ATTENTIVEMENT. IGNORER LE PRÉSENT AVIS PEUT AVOIR UNE INCIDENCE SUR VOS DROITS LÉGAUX

Ce document fait référence à des agressions psychologiques, physiques et sexuelles, et le contenu peut être troublant ou constituer un effet déclenchant pour certains lecteurs. Vous êtes encouragés à consulter ce document en privé ou en présence d'une personne de confiance.

Si vous trouvez le contenu bouleversant, pensez à demander de l'aide.

À QUI S'ADRESSE LE PRÉSENT AVIS?

Le présent avis s'adresse à :

- 1) Toutes les personnes qui étaient des patients dans le programme de traitement psychosocial (appelé unité 2C, P2C, PST ou PSTU) du service de médecine légale à St. Thomas entre 1976 et 1992, ou leurs successions (« membres du groupe »); et
- 2) Toutes les personnes, y compris, mais sans s'y limiter, les conjoints, les enfants, les parents et les autres membres de la famille qui, en raison d'une relation personnelle avec un ou plusieurs membres du groupe, ont des réclamations par filiation en dommages-intérêts en vertu de [l'article 61](#) de la [Loi de 1990 sur le droit de la famille, L.R.O. 1990, chap. F.3](#) ou toute autre loi provinciale ou territoriale équivalente.

EN QUOI CONSISTE CE RECOURS COLLECTIF?

Le 31 octobre 2023, la Cour supérieure de justice l'Ontario (la « Cour ») a autorisé un recours collectif contre le gouvernement de l'Ontario concernant le fonctionnement du programme de traitement psychosocial ou du programme de PST au sein du service de médecine légale de St. Thomas entre 1976 et 1992. L'hôpital psychiatrique St. Thomas était un établissement psychiatrique exploité par le gouvernement de l'Ontario et situé à St. Thomas, en Ontario.

Le recours allègue que les patients internés au sein du service de médecine légale de St. Thomas ont été soumis à un programme expérimental, punitif et abusif sans fondement médical et dirigé par des patients. Il est allégué que, dans le cadre de ce programme, les patients ont été soumis à des violences psychologiques, physiques et sexuelles. Il est également allégué que ce programme, qui était géré par le gouvernement de l'Ontario, a porté préjudice à aux membres du groupe. La Cour n'a pas encore rendu de décision sur le bien-fondé de ces allégations. Le défendeur, le gouvernement de l'Ontario, réfute ces allégations.

L'action vise, entre autres, à obtenir des dommages-intérêts pour négligence et manquement aux obligations fiduciaires, ainsi que des dommages qu'auraient subis des membres de la famille de personnes qui étaient des patients du programme.

PARTICIPATION AU RECOURS COLLECTIF

Si vous étiez un patient du programme de traitement psychosocial ou du programme PST du service de médecine légale de l'hôpital psychiatrique St. Thomas entre 1976 et 1992, vous êtes automatiquement inclus dans le recours collectif et n'avez aucune autre mesure à prendre pour le moment. Vous n'avez aucune autre mesure à prendre pour vous joindre à ce recours collectif. En tant que membre du groupe, vous ne serez pas responsable des frais juridiques si le recours collectif est rejeté.

Si le recours est couronné de succès et qu'un règlement ou un jugement est rendu, un autre avis sera fourni contenant des détails complets concernant les modalités du règlement ou du jugement. Les membres du groupe qui ne se retirent pas de l'action seront liés par les modalités de tout jugement ou règlement, qu'il soit favorable ou non, et ne pourront pas tenter un procès individuel contre le défendeur pour toute question liée au recours. Si des décisions favorables au groupe sont prises au sujet des questions communes, il pourrait s'avérer nécessaire de procéder à une détermination individuelle pour déterminer le droit à des dommages-intérêts et le montant de ces derniers. Si un règlement est rendu, les membres du groupe peuvent avoir le droit de partager le montant de tout règlement recouvré. Vous aurez l'occasion de décider si vous souhaitez passer à l'étape du procès individuel après la détermination des préoccupations communes.

RETRAIT DU RECOURS COLLECTIF

Vous avez le droit de vous exclure du recours collectif en adressant un formulaire de **retrait** au plus tard le **[date limite pour refuser de participer]** à l'administrateur à l'adresse indiquée ci-dessous. Le formulaire de retrait se trouve sur le site Web de l'avocat du groupe à l'adresse suivante : <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>. En vous excluant, vous préservez votre droit de faire valoir votre propre réclamation sous réserve des délais de prescription.

Si vous souhaitez recevoir une copie papier du formulaire de retrait, vous pouvez communiquer avec l'administrateur au numéro de téléphone ou à l'adresse de courriel ci-dessous. Les formulaires de retrait doivent être reçus au plus tard le **[date limite de retrait]** :

Recours collectif du service de médecine légale de l'hôpital psychiatrique St. Thomas

Dewar Communications inc.
9, avenue Prince Arthur
Toronto (Ontario) M5R 1B2

QUI ME REPRÉSENTE? AVOCATS DU GROUPE :

Les plaignants et les membres du groupe sont représentés par *Rochon Genova LLP*, qui agit sur la base d'honoraires conditionnels. Cela signifie que les frais juridiques, les décaissements et les taxes applicables ne seront payables que si le recours est couronné de succès. *Rochon Genova LLP* paie également tous les débours engagés dans le cadre du recours. Si le recours est couronné de succès, l'avocat du groupe présentera une requête à la Cour pour faire approuver ses honoraires et débours. En tant que membre du groupe, vous ne serez tenu de payer aucun coût si le recours n'est pas couronné de succès.

Il est possible de communiquer avec l'avocat du groupe aux coordonnées indiquées ci-dessus :

Rochon Genova LLP
Barristers • Avocats
900-121, rue Richmond Ouest

Joel P. Rochon
Golnaz Nayerahmadi
Sarah J. Fiddes

Tél. : 416 363-1867
1 800 462-3864
contact@rochongenova.com

POUR OBTENIR DE PLUS AMPLES RENSEIGNEMENTS :

Si vous avez des questions sur le recours collectif du service de médecine légale de l'hôpital psychiatrique St. Thomas ou si vous souhaitez obtenir plus d'informations sur ce recours, vous pouvez contacter l'avocat du groupe ou consulter l'avis détaillé disponible sur le site Web de l'avocat du groupe.

Cet avis a été approuvé par la Cour supérieure de justice de l'Ontario

**CLASS ACTION CERTIFIED ON BEHALF OF FORMER PATIENTS IN THE
PSYCHOSOCIAL TREATMENT PROGRAM ON THE FORENSIC UNIT AT ST.
THOMAS PSYCHIATRIC HOSPITAL BETWEEN 1976-1992 AND THEIR FAMILY
MEMBERS**

Toronto, August , 2024 /Cision/: The Ontario Superior Court of Justice has certified a class action against the government of Ontario on behalf of patients in the Psychosocial Treatment Program (referenced as unit PST, 2C, P2C, PST or PSTU) on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992, their estates, and family members with derivative claims for damages under s. 61 of the *Family Law Act*, R.S.O. 1990, c. F.3.

St. Thomas Psychiatric Hospital, which was located in St. Thomas, Ontario, was a psychiatric facility operated by the government of Ontario. The Plaintiffs allege that the Class Members were subjected to an experimental, punitive, and abusive patient-run Program with no medical merit. It is alleged that this Program, which was run by the government of Ontario, was contrary to prevailing medical and ethical standards, exposed the Class Members to psychological, physical, and sexual abuse, and caused the Class Members harm. The Court has not made any determination yet on the merits of these allegations. The Defendant, the government of Ontario, denies these allegations.

The action seeks, among other things, damages for negligence and breach of fiduciary duty, as well as damages suffered by family members of individuals who were patients of the Psychosocial Treatment Program or its successor PST Program.

If you attended the Psychosocial Treatment Program between 1976 and 1992, your rights are affected by this action. If you wish to remain in the action, you do not need to take any further action. If you remain in the action, you may potentially participate in a future settlement or you may choose to advance your individual claim if that is required.

If you wish to exclude yourself from the action and preserve your right to advance your own individual claim subject to any applicable limitation periods, you must deliver a signed Opt Out Form by e-mail, regular mail or courier to the Court-appointed class action notice administrator at:

**St. Thomas Psychiatric Hospital
Forensic Unit Class Action**

Dewar Communications Inc.

9 Prince Arthur Avenue

Toronto, ON M5R 1B2

StThomasclassaction@dewarcom.com

To learn more about your rights, to discuss your claim and whether you should opt-out or to obtain an Opt Out Form, contact Class Counsel or visit their website at:
<https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>

Class Counsel

Rochon Genova LLP
Barristers • Avocats
900-121 Richmond St. W.

Tel: (416) 363-1867
1-800-462-3864

contact@rochongenova.com

The publication of this notice was authorized by the Ontario Superior Court of Justice
Please Do Not Contact the Court

#

Source: Rochon Genova LLP

Media Contact(s): Joel P. Rochon, Rochon Genova LLP, 1.866.881.2292

**RECOURS COLLECTIF A ÉTÉ AUTORISÉ AU NOM D'ANCIENS PATIENTS DANS
LE CADRE DU PROGRAMME DE TRAITEMENT PSYCHOSOCIAL DU SERVICE DE
MÉDECINE LÉGALE DE L'HÔPITAL PSYCHIATRIQUE ST. THOMAS ENTRE 1976
ET 1992 AINSI QUE DES MEMBRES DE LEURS FAMILLES**

Toronto, août 2024 /Cision/ : La Cour supérieure de justice de l'Ontario a certifié un recours collectif contre le gouvernement de l'Ontario au nom des patients bénéficiaires du programme de traitement psychosocial (mentionné sous le nom d'unité PST, 2C, P2C, PST ou PSTU) du service de médecine légale de l'hôpital psychiatrique St. Thomas entre 1976 et 1992, de leurs successions et des membres de leur famille ayant des réclamations par filiation en dommages-intérêts en vertu de l'article 61 de la *Loi sur le droit de la famille*, L.R.O. 1990, chap. F.3.

L'hôpital psychiatrique St. Thomas, qui était situé à St. Thomas, en Ontario, était un établissement psychiatrique exploité par le gouvernement de l'Ontario. Les plaignants allèguent que les membres du groupe ont été soumis à un programme expérimental, punitif et abusif sans fondement médical et dirigé par des patients. Il est allégué que ce programme, qui a été géré par le gouvernement de l'Ontario, était contraire aux normes médicales et éthiques en vigueur, a exposé les membres du groupe à des abus psychologiques, physiques et sexuels, et leur a porté préjudice. La Cour n'a pas encore rendu de décision sur le bien-fondé de ces allégations. Le défendeur, le gouvernement de l'Ontario, réfute ces allégations.

L'action vise, entre autres, à obtenir des dommages-intérêts pour négligence et manquement aux obligations fiduciaires, ainsi que des dommages subis par des membres de la famille de personnes qui étaient des patients du programme de traitement psychosocial ou le programme qui lui a succédé.

Si vous avez participé au programme de traitement psychosocial entre 1976 et 1992, vos droits sont touchés par cette action. Si vous souhaitez continuer à faire partie de l'action, vous n'avez aucune autre mesure à prendre. Si vous demeurez dans l'action, vous pourriez participer à un règlement futur ou choisir d'avancer votre réclamation individuelle si nécessaire.

Si vous souhaitez vous exclure du recours collectif et préserver votre droit de faire valoir votre propre réclamation sous réserve des délais de prescription applicables, vous devez adresser un formulaire de retrait signé par courriel, par la poste ou par messagerie à l'administrateur des avis de recours collectif désigné par le tribunal à l'adresse suivante :

**Hôpital psychiatrique St. Thomas
Recours collectif du service de médecine légale**

Dewar Communications inc.

9, avenue Prince Arthur

Toronto (Ontario) M5R 1B2

StThomasclassaction@dewarcom.com

Pour en savoir plus sur vos droits, discuter de votre revendication et savoir si vous devriez vous exclure ou pour obtenir un formulaire de retrait, contactez l'avocat du recours collectif ou visitez

leur site Web à l'adresse suivante : <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>

Avocat pour le groupe

Rochon Genova LLP
Barristers • Avocats

900-121, rue Richmond Ouest

Tél. : 416 363-1867
1 800 462-3864

contact@rochongenova.com

*La publication du présent avis a été autorisée par la Cour supérieure de justice de l'Ontario
Veuillez ne pas communiquer avec la cour de justice
#*

Source : Rochon Genova LLP

Personne-ressource auprès des médias : Joel P. Rochon — Rochon Genova LLP, 1 866 881-2292

**ST. THOMAS PSYCHIATRIC HOSPITAL FORENSIC UNIT CLASS
ACTION**

OPT-OUT FORM

Complete this Opt-Out Form if you are a Class Member (or represent a Class Member or the estate of a person who was a Class Member) as defined below, and **only** if you wish to be **excluded** from the **St. Thomas Psychiatric Hospital Forensic Unit Class Action** (*Banman et al. v. His Majesty the King in Right of Ontario*, Ontario Superior Court File No. CV-21-00671048-00CP).

You are a **Class Member** if you were a patient in the Psychosocial Treatment Program (referenced as unit 2C, P2C, PST or PSTU) on the forensic unit at St. Thomas between 1976 and 1992.

PLEASE NOTE: Do NOT complete this form if you wish to participate in this class action. You do not need to take any steps at this time if you wish to participate in the class action.

By opting out and excluding yourself from the class action, you reserve the right to pursue your own individual lawsuit against the Defendant, the government of Ontario.

If you exclude yourself from the class action, you will **NOT** be able to participate in the class action and you will not be entitled to any benefits or compensation in the event of a court judgment in this lawsuit in favour of the Plaintiffs and the Class Members or in the event that a settlement agreement is reached by the parties and is approved by the Ontario Superior Court of Justice.

Court File No: CV-21-00671048-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

MARTHA BANMAN, RUTH ATKIN by her estate representative ELLEN ATKIN, LOUISE
BARK and ELLEN ATKIN

Plaintiffs

-and-

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, ATTORNEY GENERAL OF
ONTARIO, DONALD ANGUS GALBRAITH, and SAM SWAMINATH (formerly
RANGASMUDRAM SUBRAMANYAM SWAMINATH)

Defendants

Proceeding under the *Class Proceedings Act, 1992*

OPT OUT FORM

To be effective, this Opt Out form must be delivered by email or postmarked or delivered by regular mail or courier to the Notice Administrator on or before **[DATE 6 months from the date of the Court Order approving the notice plan]** at the following address:

St. Thomas Psychiatric Hospital Forensic Unit Class Action

Dewar Communications Inc.

9 Prince Arthur Avenue

Toronto, ON M5R 1B2

T: +1-416-921-1827 ext. 222

C: +1-416-230-9002

StThomasclassaction@dewarcom.com

By submitting this form, you or your legal representative, if applicable, certify that you do not wish to participate in the ST. THOMAS PSYCHIATRIC HOSPITAL FORENSIC UNIT CLASS ACTION, and understand that by opting out, you will not be able to participate in the class action, will not receive any part of the money or benefits that may be obtained on behalf of Class Members, and that you preserve your rights to pursue an individual action against the Defendant, His Majesty the King in Right of Ontario, subject to any applicable limitation periods.

**SECTION 1 - IDENTIFICATION OF THE PERSON SIGNING THIS OPT OUT FORM
(SELECT ONLY ONE OPTION):**

☐ **Class Member** – I was a patient in the Psychosocial Treatment Program (referenced as 2C, P2C, PST or PSTU) or its successor PST Program on the forensic unit at St. Thomas between 1976 and 1992. By completing and signing this Opt Out Form, I am excluding myself from participation in the St. Thomas Psychiatric Hospital Forensic Unit Class Action. I understand that by opting out, I **EXCLUDE** myself and my family members, dependents, heirs and estates, who may be eligible to receive in any settlement of the action. By completing and signing this Opt Out Form, I am preserving my ability to bring or continue my own individual claim, and I understand that limitation periods may have expired. I acknowledge that I may obtain independent legal advice in order to make an informed decision on whether to opt out.

☐ **Legal representative** – I am the legal representative for the Class Member or the Class Member's estate as identified below. By completing and signing this Opt Out Form, I am excluding the Class Member from participation in the St. Thomas Psychiatric Hospital Forensic Unit Class Action. I understand that by opting the Class Member or Class Member's estate out of the action, I exclude both them and their family members, dependents, heirs and estates, from any settlement of the action. I also understand that by completing and signing this Opt Out Form, I am preserving the ability to bring or continue an individual claim on behalf of the Class Member or Class Member's estate, and I understand that limitation periods may have expired. I acknowledge that I may obtain independent legal advice in order to make an informed decision on whether to opt the Class Member or Class Member's estate out of this proceeding.

SECTION 2 – PERSONAL INFORMATION – Please provide the following information about yourself, or, if you are filing this Opt-Out Form as the legal representative of a Class Member, please provide the following information about the Class Member.

First and Last Name _____

Date of Birth (DD/MM/YYYY) _____

Street Address _____

City _____

Province _____

Postal Code _____

Telephone (Daytime) _____

Telephone (Alternate) _____

Email _____

Health Card Number _____

Date of Death (if applicable) _____ Death Certificate Attached
DD/MM/YYYY

If you are completing this form on behalf of a Class Member, please attach a copy of a court order or other official document(s) that gives you the authority to act on the Class Member's behalf: check the box below describing the Class Member's status:

_____ a mentally incapable person (ex/copy of a continuing power of attorney for property, or a Certificate of statutory guardianship);

_____ the estate of a deceased person (ex/Letters Probate, Letters of Administration or Certificate of Appointment as Estate Trustee).

SECTION 5 – SIGNATURE

PLEASE NOTE that if this form is being completed by a lawyer representing the Class Member or the Class Member's estate, both the lawyer and the Class Member or the Class Member's Estate Representative must sign this Opt Out Form.

Date _____
DD/MM/YYYY

Name of Class Member _____

Signature of Class Member _____

Name of legal representative (if applicable) _____

Signature of legal representative (if applicable) _____

The deadline to submit an Opt Out Form is [6 months from the date of the Court Order approving the notice plan].

If you have questions about using or completing this Opt Out Form, please contact Class Counsel, free of charge, or your lawyer.

This Opt Out Form has been approved by the Ontario Superior Court of Justice.

**RECOURS COLLECTIF DU SERVICE DE MÉDECINE LÉGALE DE
L'HÔPITAL PSYCHIATRIQUE ST. THOMAS**

FORMULAIRE DE RETRAIT

Remplissez ce formulaire de retrait si vous êtes un membre du groupe (ou si vous représentez un membre du groupe ou la succession d'une personne qui était membre du groupe) tel que défini ci-dessous, et **seulement** si vous souhaitez être **exclu du recours collectif du service de médecine légale de l'hôpital psychiatrique St. Thomas** (*Banman et al. c. Sa Majesté le Roi du chef de l'Ontario*, Numéro de dossier de la Cour supérieure de l'Ontario : CV-21-00671048-00CP).

Vous êtes un **membre du groupe** si vous étiez un patient du programme de traitement psychosocial (nommé l'unité 2C, P2C, PST ou PSTU) du service de médecine légale de l'hôpital psychiatrique St. Thomas entre 1976 et 1992.

REMARQUE : Ne remplissez PAS le présent formulaire si vous souhaitez participer à ce recours collectif. Si vous souhaitez faire participer au recours collectif, vous n'avez aucune autre mesure à prendre pour le moment.

En vous retirant et en vous excluant du recours collectif, vous vous réservez le droit d'intenter un procès individuel contre le défendeur, le gouvernement de l'Ontario.

Si vous vous excluez du recours collectif, vous ne pourrez **PAS** participer au recours collectif, et vous n'aurez droit à aucun avantage ou dédommagement en cas de jugement de la cour dans ce procès en faveur des plaignants et des membres du recours collectif ou en cas d'un accord de règlement entre les parties et approuvé par la Cour supérieure de justice de l'Ontario.

Numéro de dossier de la Cour : CV-21-00671048-00CP

**COUR SUPÉRIEURE DE JUSTICE
DE L'ONTARIO**

ENTRE :

MARTHA BANMAN, RUTH ATKIN, par sa représentante successorale ELLEN ATKIN,
LOUISE BARK et ELLEN ATKIN

Demandeurs

-et-

SA MAJESTÉ LE ROI DU CHEF DE L'ONTARIO, PROCUREUR GÉNÉRAL DE
L'ONTARIO, DONALD ANGUS GALBRAITH, ET SAM SWAMINATH (autrefois
RANGASMUDRAM SUBRAMANYAM SWAMINATH)

Défendeurs

Intenté en vertu de la *Loi de 1992 sur les recours collectifs*

FORMULAIRE DE RETRAIT

Pour être en vigueur, ce formulaire de retrait doit être adressé par courriel ou frappé du timbre postal, ou par la poste ordinaire ou par messagerie à l'administrateur de l'avis au plus tard le [DATE 6 mois à compter de la date de l'ordonnance de la Cour approuvant le plan d'avis] à l'adresse suivante :

Recours collectif du service de médecine légale de l'hôpital psychiatrique St. Thomas

Dewar Communications inc.

9, avenue Prince Arthur

Toronto (Ontario) M5R 1B2

Tél. : +1 416 921-1827 poste 222

Cell. : +1 416 230-9002

StThomasclassaction@dewarcom.com

En soumettant ce formulaire, vous ou votre représentant légal, le cas échéant, attestez que vous ne souhaitez pas participer au RECOURS COLLECTIF DU SERVICE DE MÉDECINE LÉGALE DE L'HÔPITAL PSYCHIATRIQUE ST. THOMAS, que vous

comprenez qu'en vous retirant, vous ne pourrez pas participer au recours collectif, ne recevrez aucune partie de l'argent ou des avantages qui peuvent être obtenus au nom des membres du groupe, et que vous pouvez intenter un procès individuel contre le défendeur, Sa Majesté le roi du chef de l'Ontario, sujet à tout délai de prescription applicable.

SECTION 1 - IDENTIFICATION DE LA PERSONNE QUI SIGNE CE FORMULAIRE DE RETRAIT (SÉLECTIONNEZ UNE SEULE OPTION) :

☐

Membre du groupe – J'ai été un patient dans le programme de traitement psychosocial (appelé 2C, P2C, PST ou PSTU) ou le programme qui lui a succédé au service de médecine légale à St. Thomas entre 1976 et 1992. En remplissant et en signant ce formulaire de retrait, je m'exclus de la participation au recours collectif du service de médecine légale de l'hôpital psychiatrique de St. Thomas. Je comprends qu'en me retirant, **JE M'EXCLUS** moi-même et les membres de ma famille, les personnes à charge, les héritiers et les successions, qui peuvent être admissibles à bénéficier de tout règlement du recours. En remplissant et en signant ce formulaire de retrait, je préserve ma capacité à faire valoir ou de reprendre ma propre réclamation, et je comprends que les délais de prescription peuvent avoir expiré. Je reconnais que je peux obtenir des conseils juridiques indépendants afin de prendre une décision éclairée sur l'occasion de me retirer.

☐

Représentant légal - Je suis le représentant légal du membre du groupe ou de la succession du membre du groupe comme il est indiqué ci-dessous. En remplissant et en signant ce formulaire de retrait, j'exclus le membre du groupe de la participation au recours collectif du service de médecine légale de l'hôpital psychiatrique St. Thomas. Je comprends qu'en excluant le membre du groupe ou la succession du membre du groupe de l'action, je les exclus, ainsi que les membres de leur famille, les personnes à charge, les héritiers et les successions, de tout règlement du recours. Je comprends également qu'en remplissant et en signant ce formulaire de retrait, je préserve la possibilité de présenter ou de poursuivre une réclamation individuelle au nom de la succession du membre du groupe ou du membre du groupe, et je comprends que les délais de prescription peuvent avoir expiré. Je reconnais que je peux obtenir des conseils juridiques indépendants afin de prendre une décision éclairée sur l'occasion d'exclure le membre du groupe ou la succession du membre du groupe de la présente instance.

SECTION 2 – RENSEIGNEMENTS PERSONNELS – Veuillez fournir les renseignements suivants qui vous concernent, ou si vous remplissez le formulaire d'exclusion en tant que représentant légal d'une personne inscrite au recours collectif, veuillez fournir les renseignements suivants concernant le membre du groupe en question.

Prénom et nom _____

Date de naissance (JJ/MM/AAAA) _____

Adresse géographique _____

Ville _____

Province _____

Code postal _____

Téléphone (jour) _____

Téléphone (autre) _____

Courriel _____

Numéro de carte Santé _____

Date de décès (le cas échéant) _____ certificat de décès ci-joint
JJ/MM/AAAA

Si vous remplissez le formulaire au nom d'un membre du groupe, veuillez joindre une copie de l'ordonnance de la Cour ou d'autre(s) document(s) officiel(s) qui vous permet de représenter le membre du groupe : cochez la case ci-dessous qui décrit son statut :

_____ une personne déclarée incapable mentalement (ex/copie d'une
procuration perpétuelle relative aux biens, ou un certificat de tutelle sous
régime législatif);

_____ la succession d'une personne inscrite au recours collectif (ex/lettres
d'homologation, lettres d'administration ou certificat de nomination du
fiduciaire de la succession).

SECTION 5 – SIGNATURE

VEUILLEZ NOTER que si ce formulaire est rempli par un avocat représentant le membre du groupe ou la succession du membre du groupe, l'avocat et le membre du groupe ou le représentant de la succession du membre du groupe doivent signer ce formulaire de retrait.

Date _____
JJ/MM/AAAA

Nom du membre du groupe _____

Signature du membre du groupe _____

Nom du représentant légal (le cas échéant) _____

Signature du représentant légal (le cas échéant) _____

La date limite pour soumettre un formulaire de retrait est le [6 mois à compter de la date de l'ordonnance de la Cour approuvant le plan d'avis].

Si vous avez des questions sur comment utiliser ou remplir ce formulaire de retrait, veuillez communiquer gratuitement avec l'avocat du groupe ou votre avocat.

Ce formulaire de retrait a été approuvé par la Cour supérieure de justice de l'Ontario.

[Notice Administrator Letterhead]

Confidential

Date

Name

Address

Dear Mr./Ms XXX

Re: *Banman et al v. Ontario* - Certified Class Action Concerning St. Thomas Psychiatric Hospital Forensic Unit

We are writing to inform you that the Ontario Superior Court of Justice (the “Court”) has certified a class action against the government of Ontario on behalf of individuals who were patients in the Psychosocial Treatment Program (referenced as unit 2C, P2C, PST or PSTU) or PST Program on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992. It is alleged that this Program was experimental, punitive, and abusive, with no medical merit. It is also alleged that this Program caused patients and their families harm. The Court has not made any determination yet on the merits of these allegations. The Defendant, the government of Ontario, denies these allegations.

Our records suggest you were a patient at St. Thomas Psychiatric Hospital and may have been a patient in the Psychosocial Treatment Program or the PST Program between 1976 to 1992. As a result, you are included in the class action certified by the Court and may have a legal claim against the government of Ontario.

Please find attached:

- a) The **Short Form and Long Form Notices of Certification**, which provide further details about this class action, including the nature of claims being advanced on behalf of the Class Members, the Class Members’ right to opt out (should they wish to exclude themselves from the class action), as well as the contact information of Class Counsel should you wish to obtain further information regarding your rights; and
- b) The **Opt-Out Form** for any individual who may wish to exclude themselves from the class action and preserve their right to commence an individual action, subject to any applicable limitation period. You may contact Class Counsel or your own lawyer if you wish to learn more about your legal rights and the implications of opting out.

Please read these documents carefully as they may affect your legal rights.

For more information on this class action visit the webpage of Class Counsel at <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>.

You can also learn more by contacting Class Counsel:

ROCHON GENOVA LLP
121 Richmond St. West
Suite 900, Toronto, ON, M5H 2K1

Joel P. Rochon
Golnaz Nayerahmadi
Sarah J. Fiddes

jrochon@rochongenova.com
gnayerahmadi@rochongenova.com
sfiddes@rochongenova.com
(416) 363-1867
1-800-46-2864

Yours very truly,

XXXX

This Notice has been approved by the Ontario Superior Court of Justice. Please do not contact the Court directly.

[En-tête de l'administrateur de l'avis]

Confidentiel

Date

Nom

Adresse

Madame, Monsieur,

Objet : *Banman et autres c. Ontario* - Recours collectif certifié de l'hôpital psychiatrique St. Thomas

Nous vous écrivons pour vous informer que la Cour supérieure de justice de l'Ontario (la « Cour ») a autorisé un recours collectif contre le gouvernement de l'Ontario au nom des patients bénéficiaires du programme de traitement psychosocial (mentionné sous le nom d'unité 2C, P2C, PST ou du programme PST du service de médecine légale de l'hôpital psychiatrique St. Thomas entre 1976 et 1992. Il est allégué que ce programme était expérimental, punitif et abusif, sans fondement médical. Il est également allégué que ce programme a causé des préjudices aux patients et à leurs familles. La Cour n'a pas encore rendu de décision sur le bien-fondé de ces allégations. Le défendeur, le gouvernement de l'Ontario, réfute ces allégations.

Nos dossiers suggèrent que vous étiez un patient du service de médecine légale de l'hôpital psychiatrique St. Thomas et que vous avez peut-être été un patient du programme de traitement psychosocial ou du programme PST entre 1976 et 1992. Par conséquent, vous êtes inclus dans le recours collectif certifié par la Cour et pouvez avoir une réclamation fondée en droit contre le gouvernement de l'Ontario.

Veillez trouver ci-joint :

- a) Les **avis de certification (le formulaire court et le formulaire long)**, qui fournissent de plus amples détails sur le présent recours collectif, y compris la nature des réclamations déposées au nom des membres du groupe, le droit de retrait des membres du groupe (s'ils souhaitent s'exclure du recours collectif), ainsi que les coordonnées de l'avocat du groupe au cas où vous souhaiteriez obtenir de plus amples informations sur vos droits; et
- b) Le **formulaire de retrait** pour toute personne souhaitant s'exclure du recours collectif et préserver son droit d'intenter un procès individuel sous réserve de tout délai de prescription applicable. Vous pouvez contacter l'avocat du groupe ou votre avocat si vous souhaitez en savoir plus sur vos droits légaux et les conséquences liés au processus d'exclusion.

Veillez lire les documents attentivement, car ils pourraient affecter vos droits juridiques.

Pour plus d'informations sur le recours collectif, visitez la page Web de l'avocat du groupe à <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>.

Vous pouvez également en apprendre davantage en communiquant avec l'avocat du groupe :

ROCHON GENOVA LLP
121, rue Richmond Ouest
Bureau 900, Toronto (Ontario) M5H 2K1

Joel P. Rochon
Golnaz Nayerahmadi
Sarah J. Fiddes

jrochon@rochongenova.com
gnayerahmadi@rochongenova.com
sfiddes@rochongenova.com

416 363-1867
1 800 462-3864

Très sincèrement vôtre,

XXXX

Cet avis a été approuvé par la Cour de justice supérieure de l'Ontario. Veuillez ne pas prendre contact avec la Cour.

ROCHON | GENOVA_{LLP}
BARRISTERS • AVOCATS

Joel P. Rochon

jrochon@rochongenova.com

Tel. 416-363-1867, Ext. 2220

Toll Free: 1-866-881-2292

Refer to File No. 15249

DATE

VIA EMAIL AND REGULAR MAIL

PGT-Legal-Documents@ontario.ca

Office of the Public Guardian and Trustee
595 Bay Street
Suite 800
Toronto, Ontario
M5G 2M6

Re: *Banman et al v. Ontario – Certification of St. Thomas Psychiatric Hospital Forensic Unit Class Action*

We are writing to inform you that the Ontario Superior Court of Justice (the “Court”) has certified a class action against the government of Ontario on behalf of individuals who were patients in the Psychosocial Treatment Program (referenced as unit 2C, P2C, PST or PSTU) on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992 (“Class Members”). It is alleged that this Program was experimental, punitive, and abusive, with no medical merit. It is also alleged that this Program caused patients and their families harm. The Defendant, the government of Ontario, denies these allegations.

There is a reasonable possibility that the Public Guardian and Trustee is authorized to act on behalf of one or more Class Members.

Please find enclosed:

- a) The **Short Form and Long Form Notices of Certification**, which provide further details about this proceeding, including the nature of claims being advanced on behalf of the Class Members, the Class Members’ right to opt out (should they wish to exclude themselves from the class action), as well as the contact information of Class Counsel should Class Members wish to obtain further information regarding their rights; and
- b) The **Opt-Out Form** for any individual who may wish to exclude themselves from the class action and preserve their right to commence an individual action, subject to any applicable limitation period. Class Members may contact Class Counsel or their own lawyer if they wish to learn more about their legal rights and the implications of opting out.

- c) The Amended statement of Claim; and
- d) The Certification Decision indexed as [Banman v. Ontario](#), 2023 ONSC 6187.

Please provide these materials, as appropriate, to those individuals who may be Class Members and read this notice carefully as it may affect the legal rights of individuals for whom the Public Guardian and Trustee may be authorized to act.

For more information on this class action visit the webpage of Class Counsel at <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>.

You can also learn more by contacting Class Counsel:

ROCHON GENOVA LLP
121 Richmond St. West
Suite 900, Toronto, ON, M5H 2K1

Joel P. Rochon
Golnaz Nayerahmadi
Sarah J. Fiddes

jrochon@rochongenova.com
gnayerahmadi@rochongenova.com
sfiddes@rochongenova.com

(416) 363-1867
1-800-46-2864

Yours very truly,

Joel P. Rochon

Enc.

cc: Sonal Gandhi, Lisa Brost, Taskeen Ahluwalia (*Crown Law Office – Civil*)
Golnaz Nayerahmadi, Sarah J. Fiddes (*Rochon Genova LLP*)

This Notice has been approved by the Ontario Superior Court of Justice. Please do not contact the Court directly.

[Dewar Communications Inc. Letterhead]

DATE

VIA EMAIL AND REGULAR MAIL

ADDRESS

Re: Banman et al v. Ontario – Certification of St. Thomas Psychiatric Hospital Forensic Unit Class Action

We are writing to inform you that the Ontario Superior Court of Justice (the “Court”) has certified a class action against the government of Ontario on behalf of individuals who were patients in the Psychosocial Treatment Program (referenced as unit 2C, P2C, PST or PSTU) on the forensic unit at St. Thomas Psychiatric Hospital between 1976 and 1992 (“Class Members”). It is alleged that this Program was experimental, abusive and punitive, with no medical merit. It is also alleged that, as part of this Program, the patients were subjected to psychological, physical, and sexual abuse. The Court has not made any determination yet on the merits of these allegations. The Defendant, the government of Ontario, denies these allegations.

Please find enclosed:

- a) The **Short Form and Long Form Notices of Certification**, which provide further details about this proceeding, including the nature of claims being advanced on behalf of the Class Members, the Class Members’ right to opt out (should they wish to exclude themselves from the class action), as well as the contact information of Class Counsel should Class Members wish to obtain further information regarding their rights; and
- b) The **Opt-Out Form**, for any individual who may wish to exclude themselves from the class action and preserve their right to commence an individual action, subject to any applicable limitation period. Class Members may contact Class Counsel or their own lawyer if they wish to learn more about their legal rights and the implications of opting out.

It is reasonably possible that some Class Members may be receiving services from your organization. As a result, to ensure that as many Class Members as possible receive notice of the certification of this action and are informed of their legal rights, it would be of great assistance if you would post the Short Form Notice in a publicly visible location at your organization and provide the Short and Long Form Notices and the Opt-Out Form to any of your clients who you believe may be a Class Member in this action.

For more information on this class action, please visit the webpage of Class Counsel at <https://www.rochongenova.com/current-class-action-cases/st-thomas-psychiatric-hospital/>.

You can also learn more by contacting Class Counsel:

ROCHON GENOVA LLP
121 Richmond St. West
Suite 900, Toronto, ON, M5H 2K1

Joel P. Rochon
Golnaz Nayerahmadi
Sarah J. Fiddes

jrochon@rochongenova.com
gnayerahmadi@rochongenova.com
sfiddes@rochongenova.com

(416) 363-1867

Sincerely,

Dewar Communications Inc.

Enc.

This Notice has been approved by the Ontario Superior Court of Justice. Please do not contact the Court directly.

Schedule 1 Facilities - Contact Information												
Organization	Mailing Address			Board Chair Info				President/CEO/Other Exec Info			GENERAL INQUIRY EMAIL OR NUMBER	
	Street	City	Postal Code	Prefix	First Name	Last Name	Title	Prefix	First Name	Last Name		
Alexandra Marine and General Hospital	120 Napier Street	Goderich	N7A 1W5	Mr.	Glen	McNeil	Board Chair	Mr.	Jimmy	Treu	President and CEO	amgh.administration@amgh.ca
Bath - Regional Treatment Centre (Ontario) Site	PO Box 280, 5775 Bath Road	Bath	K0H 1G0					Ms.	Stephanie	Bowen	Assistant Warden of Management Services	(613) 351-8346 or Fax (613) 351-8039
Baycrest Hospital	3560 Bathurst Street	Toronto	M6A 2E1	Ms.	Phyllis	Yaffe	Board Chair	Ms.	Deb	Galet	Interim President and CEO	scs@baycrest.org
Bluewater Health - Sarnia Site	89 Norman St.	Sarnia	N7T 6S3	Mr.	Jack	Sherman	Board Chair	Ms.	Paula	Reaume-Zimmer	President and CEO	info@bluewaterhealthhospital.com
Brant Community Healthcare System - Brantford General Hospital	200 Terrace Hill Street, H-Wing Administration Building	Brantford	N3R 1G9	Mr.	David	Diegel	Board Chair	Ms.	Bonnie	Camm	President and CEO	alexa.klich@bchsys.org
Brightshores Health System (formerly Grey Bruce Health Services) - Owen Sound Site	1800 8th Street East	Owen Sound	N4K 6M9	Ms.	Deborah	Pope	Board Chair	Ms.	Ann	Ford	President and CEO	web@brightshores.ca
Brookville General Hospital	75 Charles Street	Brookville	K6V 1S8	Mr.	James	Eastwood	Board Chair	Mr.	Nicholas	Vachollas	President and CEO	quality@brookvillegeneralhospital.ca
Cambridge Memorial Hospital	700 Coronation Boulevard	Cambridge	N1R 3G2	Ms.	Cheryl	Hugh	Board Chair	Mr.	Patrick	Gaskin	President and CEO	information@cmh.org
Centre for Addiction and Mental Health	1001 Queen Street West	Toronto	M6J 1H4	Ms.	Susan	Armstrong	Board Chair	Ms.	Sarah	Downey	President and CEO	info@camh.ca
Chatham-Kent Health Alliance - Chatham Site	80 Grand Avenue West	Chatham	N7M 5L9	Mr.	Bob	Hockney	Board Chair	Ms.	Christine	Mitchell	President and CEO	communications@ckha.on.ca
Cornwall Community Hospital / Hôpital Communautaire de Cornwall	840 McConnell Avenue	Cornwall	K6H 5S5	Ms.	Alice	Wilson-Harriss	Board Chair	Ms.	Jeanette	Despatie	President and CEO	coh.communications@cornwallhospital.ca
Grand River Hospital Corporation including: - Kitchener-Waterloo Site - Fergus Site	- PO Box 9056, 835 King Street West - PO Box 9056, 3570 King Street East	Kitchener	- N2G 1G3 - N2A 2W1	Ms.	Sandra	Hanner	Board Chair	Mr.	Ron	Gagnon	President and CEO	info@grh.on.ca
Halton Healthcare Services - Oakville Trafalgar Memorial Hospital	3001 Hospital Gate	Oakville	L6M 0L8	Ms.	Samantha	Horn	Board Chair	Ms.	Melissa	Farrell	President and CEO	treception@haltonhealthcare.com
Hamilton Health Sciences Corporation including: - Hamilton General Hospital Site - McMaster University Medical Centre Site - Juravinski Hospital and Cancer Centre Site	- 237 Barton Street East - 1200 Main Street West - 699 Concession Street	Hamilton	- L8L 2X2 - L8N 3Z5 - L8V 5C2	Mr.	Keith	Monroe	Board Chair	Ms.	Tracey	MacArthur	President and CEO	info@hamiltonhealth.ca
Health Sciences North / Horizon Santé-Nord - Ramsey Lake Health Centre	41 Ramsey Lake Road	Sudbury	P3E 5J1	Mr.	Stephan	Plante	Board Chair	Mr.	David	McNeil	President and CEO	communications@hnsudbury.ca
Homewood Health Centre	100 Delhi Street	Guelph	N1E 6K9					Ms.	Jagoda	Pike	President and CEO	healthcentre@homewoodhealth.com
Hôpital Montfort	713 Montreal Road	Ottawa	K1K 0T2	Mr.	Carl	Nappert	Board Chair	Mr.	Dominic	Giroux	President and CEO	montfort@montfort.on.ca
Hôtel-Dieu Grace Healthcare - Taylour Campus	1453 Prince Road	Windsor	N6C 3Z4	Mr.	Ken	Blanchette	Board Chair	Mr.	Bill	Mara	President and CEO	ncode.crozier@hdg.org
Humber River Health - Humber River Hospital	1235 Wilson Avenue	Toronto	M3M 0B2	Mr.	Terry	Leon	Board Chair	Ms.	Barb	Collins	President and CEO	communications@hrh.ca
Huron Perth Healthcare Alliance - Stratford General Hospital	46 General Hospital Dr.	Stratford	N5A 2Y6	Mr.	John	Wilkinson	Board Chair	Mr.	Andrew	Williams	President and CEO	administration@hpha.ca
Joseph Brant Hospital	1230 North Shore Boulevard	Burlington	L7R 1W7	Ms.	Barbara	Elbot	Board Chair	Mr.	Eric	Vandewall	President and CEO	corporatecommunications@josephbranthospital.ca
Kingston Health Sciences Centre - Kingston General Hospital Site	75 Stuart Street	Kingston	K7L 2V7	Ms.	Sherri	McCulough	Board Chair	Dr.	David	Pichora	President and CEO	rosenm@hsk.kari.net
Lake of the Woods District Hospital	21 Sylvan Street	Kemora	P5N 3W7	Mr.	Brent	Lundy	Board Chair	Mr.	Ray	Racette	President and CEO	admin@lwdh.on.ca
Lakeland Health including: - Ajax and Pickering Health Centre - Oshawa Site	- 580 Hardwood Avenue South - 1 Hospital Court	- Ajax - Oshawa	- L1B 2J4 - L1G 2B9	Ms.	Cordella	Clarke Julien	Board Chair	Ms.	Cynthia	Davis	President and CEO	communications@lh.ca
London Health Sciences Centre including: - University Campus - Victoria Campus	- 339 Windermere Road - 800 Commissioners Road East	London	- N6A 5A5 - N6A 5W9	Dr.	Alex	Barron	Board Chair	Mr.	David	Murray	President and CEO	(519) 685-8500
Mackenzie Health - Cortellucci Vaughan Hospital	3200 Major Mackenzie Drive West	Vaughan	L4C 4Z3	Ms.	Stephanie	Zee	Board Chair	Mr.	Ataf	Stationwalla	President and CEO	patientrelations@mackenziehealth.ca
Niagara Health System - St Catharines Site	1200 Fourth Avenue	St. Catharines	L2S 0A9	Ms.	Marilyn	O'Neill	Board Chair	Ms.	Lynn	Guerrero	President and CEO	engage@niagarahealth.on.ca
North Bay Regional Health Centre including: - Kirkwood Place - North Bay Site	- 680 Kirkwood Drive - 50 College Drive, PO Box 2500	- Sudbury - North Bay	- P3E 1X3 - P1B 5A4	Mr.	Jamie	Graham	Board Chair	Mr.	Paul	Heinrich	President and CEO	communications@nbhrc.on.ca
North York General Hospital - General Site	4001 Leslie Street	Toronto	M2K 1E1	Ms.	Aine	O'Flynn	Board Chair	Dr.	Everton	Gooden	President and CEO	corporate.communications@nygh.on.ca
Oak Valley Health (previously Markham Steelesville Hospital)	381 Church Street	Markham	L3P 7P3	Ms.	Nancy	Sanders	Board Chair	Mr.	Jo-anna	Mart	President and CEO	corpcomm@oakvalleyhealth.ca
Orillia Soldiers' Memorial Hospital	170 Colborne Street West	Orillia	L3V 2Z3	Mr.	Lawrence	Pietras	Board Chair	Dr.	Carmine	Stumpo	President and CEO	info@somh.on.ca
Peterborough Regional Health Centre - Hospital Drive Site	1 Hospital Drive	Peterborough	K9J 7C6	Mr.	Robert	Gibson	Board	Ms.	Lynn	Mikula	President and CEO	webinquiry@psfhd.on.ca
Providence Care Centre - Providence Care Hospital	725 King Street West	Kingston	K7L 4K3	Mr.	Marc	Vain	Board Chair	Ms.	Cathy	Szabo	President and CEO	info@providencecare.com
Queensway-Carleton Hospital	3045 Baseline Road	Ottawa	K2M 6P4	Mr.	Chad	Schella	Board Chair	Dr.	Andrew	Falconer	President and CEO	communications@qgh.on.ca
Quinte Health Care Corporation - Belleville General	265 Dundas Street East	Belleville	K8M 5A9	Ms.	Lisa	O'Toole	Board Chair	Ms.	Stacey	Daub	President and CEO	info@qhc.on.ca
Ross Memorial Hospital	10 Angeline Street North	Lindsay	K9V 4M8	Ms.	Christine	Morris	Board Chair	Ms.	Kelly	Irfan	President and CEO	publicrelations@rmh.org
Royal Ottawa Health Care Group including: - Brockville Mental Health Centre - Royal Ottawa Mental Health Centre	- 1804 Highway 2 East - 1145 Carling Avenue	- Brockville - Ottawa	- K6V 5W7 - K1Z 7K4	Ms.	Sharon	Squire	Board Chair	Ms.	Cara	Vaccarino	President and CEO	communications@theroyal.ca
Royal Victoria Regional Health Centre	201 Georgian Drive	Barrie	L4M 6M2	Mr.	Jason	Teal	Board Chair	Ms.	Gail	Hunt	President and CEO	royalvictoriaregionalhealthcentre@rvh.on.ca
Sault Area Hospital	700 Great Northern Road	Sault Ste. Marie	P6B 0A8	Ms.	Lisa	Bel-Murray	Board Chair	Ms.	Ila	Watson	President and CEO	publicaffairs@saah.on.ca
Scarborough Health Network including: - General Site - Birchmount Site - Centenary Site	- 3050 Lawrence Avenue East - 3030 Birchmount Road - 2857 Ellesmere Road	- Toronto - Scarborough - Scarborough	- M1P 2V5 - M1W 3W3 - M1E 4B9	Mr.	Matt	Airley	Board Chair	Mr.	David	Graham	President and CEO	communications@shn.ca
Sinai Health System - Mount Sinai Hospital	600 University Avenue	Toronto	M5G 1X5	Mr.	Andrew	Hoffman	Board Chair	Dr.	Gary	Newton	President and CEO	humanresources.mch@sinaihealth.ca
Southlake Regional Health Centre - Newmarket Site	596 Davis Drive	Newmarket	L3Y 2P9	Ms.	Marilee	Harris	Board Chair	Dr.	Paul	Woods	President and CEO	foundation@southlake.ca
St. Joseph's Care Group - St. Joseph's Hospital	35 Algoma Street North	Thunder Bay	P7B 5G7	Ms.	Roberta	Simpson	Board Chair	Ms.	Janine	Black	President and CEO	sjpg@stj.net
St. Joseph's Health Care London including: - Parkwood Institute - Mental Health Care Building - Southwest Centre for Forensic Mental Health Care	- 550 Wellington Road - 401 Sunset Drive	- London - St. Thomas	- N6C 0A7 - N5R3C6	Mr.	Nawaz	Tahir	Board Chair	Mr.	Roy	Butler	President and CEO	condep@shc.london.on.ca
St. Joseph's Healthcare Hamilton including: - Charlton Campus - West 5th Campus	- 50 Charlton Avenue East - 100 West 5th Street	Hamilton	- L8N 4A6 - L8N 3K7	Ms.	Barbara	Beaudoin	Board Chair	Dr.	Mike	Heenan	President and CEO	publicaffairs@shjpes.ca
St. Lawrence Valley Correctional and Treatment Centre	1804 Highway 2 E	Brookville	K6V 7N2					Mr.	Jeff	Downard	Superintendent	jeff.downard@ontario.ca
St. Thomas Elgin General Hospital	189 Elm Street	St. Thomas	N5R 5C4	Mr.	Dan	Ross	Board Chair	Ms.	Karen	Davies	President and CEO	publicrelations@stelh.on.ca
Sunnybrook Health Sciences Centre - Bayview Campus	2075 Bayview Avenue	Toronto	M4N 3M5	Ms.	Carol	Annett	Board Chair	Mr.	Andy	Smith	President and CEO	wcp@sunnybrook.ca
The Ottawa Hospital including: - Civic Campus - General Campus	- 1053 Carling Avenue - 501 Smyth Road	Ottawa	- K1Y 4E9 - K1H 8L6	Mr.	Claude	Doucet	Board Chair	Mr.	Cameron	Love	President and CEO	rabelson@toh.ca
Thunder Bay Regional Health Sciences Centre	980 Oliver Road	Thunder Bay	P7B 6V4	Ms.	Pat	Lang	Board Chair	Dr.	Rhonda	Crocker-Ellicott	President and CEO	trhsc@bhn.net
Timmins and District Hospital / L'Hôpital de Timmins et du district	700 Ross Avenue East	Timmins	P4M 6P2	Mr.	Kayryn	Grenke	Board Chair	Ms.	Kathleen	Fyle	President and CEO	generalinquiries@tdah.com
Toronto East Health Network - Michael Garron Hospital	825 Cowell Avenue	Toronto	M4C 3E7	Ms.	Lovina	McCallum	Board Chair	Ms.	Melanie	Kohn	President and CEO	HR@tehn.ca
Trillium Health Partners including: - Credit Valley Hospital - Mississauga Hospital	- 2200 Eglinton Avenue West - 100 Queensway West	Mississauga	- L5M 2N1 - M9C 1A5	Ms.	Joan	Mohammed	Board Chair	Ms.	Karl	Farrow	President and CEO	PatientRelations@thp.ca
Unity Health Toronto including: - St. Joseph's Health Centre - St. Michael's Hospital	- 30 The Queensway - 36 Queen Street East	Toronto	- M6R 1B5 - M5B 1Y8	Ms.	Nora	Aufreter	Board Chair	Mr.	Tim	Rufledge	President and CEO	helpdesk@unityhealth.to
University Health Network including: - Toronto General Hospital - Toronto Western Hospital - Princess Margaret Hospital	- 200 Elizabeth Street - 399 Bathurst Street - 610 University Avenue	Toronto	- M5G 2C4 - M5T 2S8 - M5G 2M9	Mr.	Brian	Porter	Board Chair	Dr.	Kevin	Smith	President and CEO	help@uhn.ca
Waypoint Centre for Mental Health Care	500 Church Street	Penetanguishene	L9M 1G3	Mr.	Ernest	Vallencourt	Board Chair	Dr.	Nadja	Sunderji	President and CEO	info@waypointcentre.ca
William Osler Health System including: - Etobicoke General Hospital - Brampton Civic Hospital	- 101 Hunter College Boulevard - 2100 Boward Drive East	- Etobicoke - Brampton	- M9V 1R8 - L6R 3J7	Mr.	Pardeep	Singh Gil	Board Chair	Dr.	Frank	Marino	President and CEO	(416) 804-8649
Windsor Regional Hospital - Ouellette Site	1030 Ouellette Avenue	Windsor	N6A 1E1	Ms.	Patricia	France	Board Chair	Ms.	Karen	Riddell	President and CEO	publicaffairs@wrh.on.ca
Woodstock Hospital	310 Juliana Drive	Woodstock	N4V 0M4	Ms.	Patrice	Hilderley	Board Chair	Mr.	Perry	Lang	President and CEO	info@woodstockhospital.ca

Court File No. CV-21-00671048-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE) _____, THE _____
JUSTICE AKBARALI)
) DAY OF _____, 2024

B E T W E E N :

MARTHA BANMAN, RUTH ATKIN by her estate representative ELLEN ATKIN, LOUISE
BARK and ELLEN ATKIN

Plaintiffs

and

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, ATTORNEY GENERAL OF
ONTARIO, DONALD ANGUS GALBRAITH, and SAM SWAMINATH (formerly
RANGASMUDRAM SUBRAMANYAM SWAMINATH)

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

WHEREAS the Registered Persons Database (“RPDB”) is a database maintained by the Ministry of Health (the “Ministry”) which contains personal health information about individuals’ eligibility for Ontario health insurance coverage, including address information;

AND WHEREAS the parties in this proceeding wish to conduct a search of RPDB for contact information for the list of approximately 500 Class Members in this proceeding (the “Class List”);

AND WHEREAS the information contained in the RPDB constitutes “personal health information” (“Personal Health Information”) for the purposes of the *Personal Health Information Protection Act, 2004* S.O. 2004, CHAPTER 3 Schedule A (“PHIPA”);

AND WHEREAS the Ministry is a health information custodian (“Health Information Custodian”) as defined in PHIPA, and has custody and control of the Personal Health Information contained in the RPDB;

AND WHEREAS the Personal Health Information contained in the RPDB may assist in providing address information for Class Members, or information that a Class Member has been noted to be deceased;

AND WHEREAS subsection 36(1)(g) of PHIPA permits a Health Information Custodian to collect Personal Health Information about an individual indirectly if the Health Information Custodian collects it from a person who is permitted or required by law or by a treaty, agreement or arrangement made under an Act or an Act of Canada to disclose it to the Health Information Custodian;

AND WHEREAS subsection 37(1)(a) of PHIPA permits a Health Information Custodian to use Personal Health Information for the purpose for which the information was collected;

AND WHEREAS subclause 41(1)(d)(i) of PHIPA permits a Health Information Custodian to disclose Personal Health Information about an individual for the purpose of complying with a summons, order or similar requirement issued in a proceeding by a person having jurisdiction to compel the production of information;

AND WHEREAS the Ministry cannot warrant the accuracy of the identity match or address information it will disclose pursuant to this Order.

IT IS ORDERED, on consent, that:

- (1) the Ministry shall use the following information listed, where available, to carry out the searches, in relation to each member of the class in the Class List. As such, the following information will be known as “Identifying Information”:
 - given name(s), surname;
 - date of birth; and
 - Ontario provincial health card number if available;
- (2) Upon receipt of the Class List including the Identifying Information, which will be provided by Defence Counsel, the Ministry shall, within 30 business days of the date of this Order, undertake a search of the RPDB in order to match the Identifying

- Information for each member of the class on the Class List with the Personal Health Information contained in the RPDB, and shall identify the address information (including partial address information) and telephone number information, if any, contained in the RPDB that matches the Identifying Information of the Class Members in the Class List;
- (3) for greater certainty, the Ministry shall disclose last known address information and telephone number information available for all matches found in the RPDB in the below three circumstances:
 - (a) where the given name(s), surname and date of birth in the Identifying Information are identical;
 - (b) where the surname and date of birth in the Identifying Information are identical, but there is no match on the given name(s);
 - (c) where the health card information and the surname and/or date of birth in the Identifying Information are identical;
 - (4) in the event that the search of the RPDB reveals information which indicates that a Class Member in the Class List is deceased, this information, together with the recorded date of death, if available, will be disclosed in accordance with paragraph (6) (a) and (b) of this Order;
 - (5) where the information in paragraph (4) indicates the death of the Class Member in the Class List, the Ministry shall disclose any associated last known address and telephone number information available with regard to that deceased member of the class in the Class List;
 - (6) the information the Ministry locates pursuant to paragraphs (3), (4) and (5) shall be disclosed to:
 - (a) Class Counsel and the Notice Administrator, Dewar Communications Inc. in this proceeding;
 - (b) Defence Counsel;

and to no other individual or entity. This disclosure is to be made within 30 business days of the date of this consent Order unless otherwise agreed to by the parties or modified by further Order of the court;

- (7) the parties may disclose the address information located and disclosed in accordance with paragraphs (2), (3), (4), (5), and (6) to the Court as needed, to identify and contact Class Members or the estate of a Class Member, internally for the purposes of obtaining instructions, or as needed in relation to this litigation. No further or other disclosure of information obtained from the RPDB is permitted;
- (8) upon the conclusion of this proceeding, the information disclosed by the Ministry under the authority of this Court Order held by Class Counsel and the Notice Administrator shall be securely disposed by Class Counsel and the Notice Administrator. The sale, distribution or release in any unauthorized manner of any information provided under this Court Order is strictly prohibited; and
- (9) In the event any further searches for contact information for Class Members are necessary, this Court Order authorizes the Ministry to carry out further searches of the RPDB in the manner set out in this Order and to produce the relevant information to Class Counsel, the Notice Administrator and Defence Counsel. The terms relating to the searches, production, use and disposal of the information as set out in this Order apply to any further searches carried out.

Dated: September _____, 2024

JUSTICE AKBARALI

BANMAN et al.

Plaintiffs

-and-

HIS MAJESTY THE KING IN RIGHT OF ONTARIO.

et al.

Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED IN
TORONTO

Order

Ministry of the Attorney General

Crown Law Office – Civil
8th Floor, 720 Bay Street
Toronto, ON M7A 2S9

Sonal Gandhi

Tel: (416) 898-3312
sonal.gandhi@ontario.ca

Lisa Brost

Tel: (416) 529-3031
lisa.brost@ontario.ca

Taskeen Ahluwalia

Tel: (647) 535-7529
taskeen.ahluwalia1@ontario.ca

Counsel for the Defendant, His Majesty the King in
Right of Ontario

Court File No. CV-21-00671048-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE) _____, THE _____
JUSTICE AKBARALI)
) DAY OF _____, 2024

B E T W E E N :

MARTHA BANMAN, RUTH ATKIN by her estate representative ELLEN ATKIN, LOUISE
BARK and ELLEN ATKIN

Plaintiffs

-and-

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, ATTORNEY GENERAL OF
ONTARIO, DONALD ANGUS GALBRAITH, and SAM SWAMINATH (formerly
RANGASMUDRAM SUBRAMANYAM SWAMINATH)

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

WHEREAS the Ministry of Public and Business Service Delivery and Procurement (“MPBSDP”) maintains an electronic database of birth registration information (since 1930) and death registration information (since 1980) (collectively known as the “Database”) under the *Vital Statistics Act*, R.S.O. 1990, c. V.4;

AND WHEREAS an Ontario birth registration may note information provided by another jurisdiction where the subject died outside of Ontario and Ontario death registrations contain information related to deaths that occurred in Ontario;

AND WHEREAS the Database contains information which constitutes “personal information” as defined under the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31 (“FIPPA”), and the collection, use and disclosure of personal information is governed by FIPPA;

AND WHEREAS information in the Database may assist the parties and the Notice Administrator, Dewar Communications Inc., to determine whether any of the approximately 500 Class Members in this proceeding, who were patients in the Psychosocial Treatment Unit at the St. Thomas Psychiatric Hospital (“STPH”) between 1976 and 1992, (the “Class Members”) are deceased and to obtain date of death and address information for the usual residence of the deceased, if available, which could potentially allow the estate of the deceased Class Member to receive notice of the certification of this class action. The “usual residence” is the address information which may be provided on the Statement of Death for deaths registered in Ontario or the address information which may be provided by another jurisdiction and noted on the Ontario birth registration;

AND WHEREAS additions to the list of Class Members (the “Class List”) may be required from time to time in the course of this proceeding and further searches of the Database may be carried out and information produced in accordance with this Order and without the need for further Order of the Court;

AND WHEREAS section 64 of FIPPA provides that FIPPA does not impose any limitation on the information otherwise available by law to a party to litigation and does not affect the power of a court to compel a witness to testify or compel the production of a document;

AND WHEREAS MPBSDP cannot warrant the accuracy of an identity match, date of death or address information it will disclose pursuant to this Order;

AND WHEREAS the Court is authorized to order the search and production of search results that may assist in this proceeding;

IT IS ORDERED, on consent, that:

1) counsel for His Majesty the King in Right of Ontario (the “Crown Defendant”) shall provide MPBSDP with the current and any future Class List(s), and the following information, where available (the “Identifying Information”), in relation to each individual on the Class List(s):

- name (first name, middle name(s) and surname or single name) and/or initials;
- sex (male or female);
- date of birth (“DOB”); and
- date of discharge from STPH;

2) within 30 business days of the date of this Order, MPBSDP shall undertake the following electronic searches to compare the Identifying Information relating to individuals on the Class List with the Database and, in the following order, identify unique and exact matches where:

(A) a search of the electronic death registrations determines any (i) exact matches

between first name, surname and DOB (ii) exact matches between a middle name, surname and DOB; (iii) exact matches between an initial, where no first or middle names have been provided, surname or single name and DOB;

(B) a search of the electronic birth registrations that have an indicator of a death determines any (i) exact matches between first name, surname and DOB; (ii) exact matches between middle name, surname and DOB; (iii) exact matches between an initial, where no first or middle names have been provided, surname or single name and DOB;

3) for greater clarity, MPBSDP shall conduct a search of its Database within the following date ranges:

- For birth registrations: beginning January 1, 1930 to the last date of birth noted on the Class List;
- For death registrations: beginning January 1, 1980 to the date of this Order;

4) for greater clarity, as soon as a unique and exact match is identified by searching in the order prescribed, 2 A(i), (ii), (iii), B(i), (ii), (iii), no further searches as prescribed above will be carried out for that individual listed;

5) where a match has been found under paragraphs 2 and 4 and a date of death is available, only those results which provide a date of death which occurs after the date of discharge for the class member, where available, shall be identified as a match;

6) MPBSDP will identify only unique and exact matches found in its searches carried out under paragraphs 2, 3, 4 and 5. If more than one potential match is identified and no unique and exact match is found by MPBSDP in carrying out these searches, those multiple results will not be provided;

7) for those unique and exact matches identified in the searches carried out in accordance with paragraphs 2, 3, 4, 5 and 6, MPBSDP will provide its search results indicating a match of the data to an individual who is deceased and the date of death, where available;

8) for all matches with an Ontario death registration or Ontario birth registration, MPBSDP will provide the address for the usual residence of the deceased, if shown;

9) MPBSDP shall disclose the results of the searches conducted in accordance with paragraphs 2, 3, 4, 5, 6, 7 and 8 of this Order, in a secure file transfer protocol to:

- a. Class Counsel, Rochon Genova LLP;
- b. The Notice Administrator, Dewar Communications Inc. c/o Jennifer Dewar; and
- c. Defence counsel at the Crown Law Office, Civil, Ministry of the Attorney General;

10) counsel for the parties may disclose the search results received from MPBSDP to the Court, and use the information to identify and contact the estate of the deceased Class Member for the purposes of obtaining instructions or as otherwise needed in relation to this litigation. No use or other disclosure of this information from MPBSDP, for a purpose outside the proceeding, is permitted; and

11) upon the conclusion of this proceeding, the information located and disclosed in accordance with paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of this Order and held by Class Counsel and the Notice Administrator shall be securely disposed. The distribution, use, sale or release in any unauthorized manner of any information provided under this Order is strictly prohibited.

Dated: September ____, 2024

JUSTICE AKBARALI

BANMAN et al.

Plaintiffs

-and-

HIS MAJESTY THE KING IN RIGHT OF ONTARIO.

et al.

Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED IN
TORONTO

Order

Ministry of the Attorney General

Crown Law Office – Civil
8th Floor, 720 Bay Street
Toronto, ON M7A 2S9

Sonal Gandhi

Tel: (416) 898-3312
sonal.gandhi@ontario.ca

Lisa Brost

Tel: (416) 529-3031
lisa.brost@ontario.ca

Taskeen Ahluwalia

Tel: (647) 535-7529
taskeen.ahluwalia1@ontario.ca

Counsel for the Defendant, His Majesty the King in
Right of Ontario

MARTHA BANMAN, et al.
Plaintiffs

ONTARIO, et al.
Defendants

Court File No.: CV-21-00671048-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED IN
TORONTO

ORDER
(Notice of Certification)

ROCHON GENOVA LLP

Barristers • Avocats

121 Richmond Street West, Suite 900

Toronto, ON M5H 2K1

Joel P. Rochon (LSO #: 28222Q)

Golnaz Nayerahmadi (LSO #: 68204C)

Sarah J. Fiddes (LSO #: 84897H)

Tel: 416.363.1867

Fax: 416.363.0263

Lawyers for the Plaintiffs