

NOTICE OF DISCONTINUANCE OF INDEPENDENTLY-OWNED LONG-TERM CARE HOMES PROPOSED CLASS ACTION

**PLEASE READ THIS NOTICE CAREFULLY.
IGNORING THIS NOTICE WILL AFFECT YOUR LEGAL RIGHTS.**

Beginning in May 2020, several proposed class proceedings were commenced in relation to outbreaks of COVID-19 in Ontario's long-term care ("LTC") homes, including various lawsuits brought against entities that independently owned and/or operated one or more LTC homes. These proposed class proceedings were eventually consolidated (the "Independently-Owned Action") and alleged that, among other things, these LTC home owners and operators were grossly negligent and failed in their duties to protect the Residents and Visitors from COVID-19 infection and other non-COVID harms during the pandemic. The Defendants deny these allegations.

The consolidated Independently-Owned Action is known as *McDermott et al. v. ATK Care Inc. et al.* Court File No. CV-20-00644726-00CP.

On March 7, 2024 Mr. Justice E.M. Morgan ("Justice Morgan") of the Ontario Superior Court of Justice (the "Court") decided that the Independently-Owned Action could not proceed as a class action (the "Certification Decision"). However, Justice Morgan allowed the Plaintiffs to discontinue the Independently-Owned Action without costs. New standalone claims may be issued against each of the Defendants.

At this time, the claim against the Defendant ATK Care Inc., related to the River Glen Haven Nursing Home, will proceed and certification will be pursued. However, claims against the other Defendants in the Independently-Owned Action will be discontinued. **A complete list of the LTC homes against which claims are being discontinued can be found at the end of this Notice.**

This means that the Independently-Owned Action will **NOT** be proceeding except as against ATK Care Inc. If standalone class actions or individual claims are **NOT** commenced in time against the defendants for whom the action is being discontinued (see the list at the end of this Notice), the claims that were being advanced in the Independently-Owned Action will be extinguished. Individuals who still want to pursue their claims against the LTC owners/operators listed at the end of this Notice will therefore need to take active steps as soon as possible to protect their rights.

Please review the list of LTC homes affected by this Notice and if you believe you or a family member may have a claim to advance, please contact a lawyer, including any of the Class Counsel listed below.

YOU SHOULD TAKE NOTICE THAT while the limitation periods in relation to the claims advanced in the Independently-Owned Action were suspended as a result of the commencement of this action, they will begin to run again thirty (30) days after the date that this Notice of Discontinuance is first published.

Class Counsel are available to answer any questions about the discontinuance of the Independently-Owned Action, the suspension and recommencement of the running of any limitation periods, and about pursuing a claim against any of the named Independently-Owned LTC operators related to COVID-19 in their LTC homes.

Class Counsel may be contacted at:

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LIST OF AFFECTED INDEPENDENTLY-OWNED LONG-TERM CARE HOMES

- Downsview Long Term Care Centre
- Burton Manor
- Pinecrest (Bobcaygeon)
- Grace Manor
- Faith Manor
- Hellenic Home Scarborough
- St. Clair O'Connor Community Nursing Home
- PeopleCare A.R Goudie Kitchener
- Royal Rose Place
- Meadow Park (London).
- Heron Terrace Long-Term Care Community
- Villa Colombo Seniors Centre (Vaughan).
- Valleyview Residence
- Almonte Country Haven
- Bethany Lodge
- Élisabeth-Bruyère Residence
- Residence Saint-Louis
- The Kensington Gardens
- Kristus Darzs Latvian Home
- Markhaven
- Mon Sheong Home for the Aged
- Wellesley Central Place
- Sherbourne Place
- Garden Court Nursing Home
- St. Joseph's at Fleming
- St. Joseph's Villa, Sudbury

- The Jewish Home for the Aged
- Greenwood Court
- Trinity Village Care Centre
- Ukrainian Canadian Care Centre
- Providence Healthcare Long-Term Care Home
- Vision Nursing Home
- Perley and Rideau Veterans' Health Centre
- St. Patrick's Home of Ottawa
- Elm Grove Living Centre
- Kensington Village
- Isabel and Arthur Meighen Manor