

NOTICE OF DISCONTINUANCE OF THE MUNICIPAL LONG-TERM CARE HOMES 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 lawsuits against certain Ontario municipalities that owned and/or operated one or more LTC homes ("Municipal Defendants"). These proposed class proceedings were eventually consolidated (the "Municipal Action") and alleged that, among other things, these municipalities were grossly negligent and failed in their duties to protect the Residents and Visitors to their LTC homes from COVID-19 infection and other non-COVID harms during the pandemic. The Defendants deny these allegations.

The Municipalities that were named as Defendants in the Municipal Action are the City of Toronto, the City of Ottawa, the Regional Municipality of Durham, the Corporation of the County of Essex, the Corporation of the County of Hastings and the Regional Municipality of Peel. The consolidated Municipal Action is known as *McVeigh v. Toronto*, Court File No. CV-22-00687579-0000.

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

At this time, the claim against the City of Toronto (related to Cummer Lodge, Kipling Acres, Lakeshore Lodge, Seven Oaks, Wesburn Manor and Fudger House) will proceed as a standalone proposed class action. However, claims against the other Defendants in the Municipal Action will not be proceeding. **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 Municipal Action will **NOT** be proceeding, except as against the City of Toronto. 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 Municipal Action will be extinguished. Individuals who still want to pursue their claims against the Ontario municipalities 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 Municipal 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 Municipal Action, the suspension and recommencement of the running of any limitation periods, and about pursuing a claim against any of the named Municipalities related to COVID-19 in their LTC homes. **Class Counsel may be contacted at:**

ROCHON GENOVA LLP

Barristers • Avocats

1-800-462-3864

contact@rochongenova.com

WILL TRIAL LAWYERS

Barristers & Solicitors

Tel: 905-337-9568

contact@willtriallawyers.com

LIST OF AFFECTED MUNICIPAL LONG-TERM CARE HOMES

If you have a potential claim related to one of the LTC homes listed below, you should take steps to protect your legal rights, whether by becoming a representative plaintiff or by commencing your own lawsuit.

Regional Municipality of Peel

- Sheridan Villa
- Peel Manor

City of Ottawa

- Peter D. Clark Centre

County of Essex

- Sun Parlor Home for Senior Citizens

Region of Durham

- Hillsdale Terraces

Corporation of the County of Hastings

- Hastings Manor Home for the Aged