

**SETTLEMENT ADMINISTRATION GUIDELINE
(Dr. Solomon Class Action)**

1) The Settlement Framework:

- a) Class Members, as defined in the Court Approved Order, will be entitled to a pro rata share of the Total Damages amount (after the deduction of any Court approved legal fees) as set out in the Court Approved Settlement Agreement to address all potential damages;
- b) Uncompensated Patients, as defined in the Court Approved Settlement Agreement, are not entitled to compensation under the Settlement Agreement;
- c) Class Members must submit a completed Compensation Request Form confirming that they believe they suffered harm as a result of being notified by the police that they were surreptitiously video recorded by the Defendant.

2) Process for Claimants following Court Approval:

- a) Class Counsel will send the Notice of Settlement to each Class Member in accordance with the Notice Plan, as well as a Claimant Explanation Letter;
- b) The Notice of Settlement will:
 - i) Advise that the Settlement Agreement has been approved by the Court;
 - ii) Provide information about the settlement and process for making claims under this Settlement Administration Guideline;
 - iii) Advise Class Members of their right to opt out of the Class Action on or before **July 1, 2020** by submitting a completed Opt Out Form to Class Counsel. Opt Out Forms must be received by Class Counsel on or before July 1, 2020;
 - iv) Advise Uncompensated Patients that if they intend to issue a proceeding in relation to alleged surreptitious video recording by the Defendant then they must provide written notice to counsel for the Defendant by no later than **July 1, 2020** and issue a claim in the Ontario Superior Court of Justice and serve the claim on the counsel for the Defendant by no later than **August 31, 2020**;

- v) Advise Class Members of the possibility of the Settlement Agreement being voided if too many Class Members elect to opt out and/or Uncompensated Patients send written notice; and,
 - vi) Advise unsuccessful Claimants of their right to commence an Appeal to the Administrator of Class Counsel's evaluation of their eligibility under the Settlement Agreement in accordance with this Guideline;
- c) Process for Claimants:
- i) Claimants must submit their completed Compensation Request Form to Class Counsel by **July 1, 2020**;
 - ii) Upon receipt of the completed Compensation Request Form, Class Counsel will:
 - 1. Review the completed Compensation Request Form;
 - 2. Evaluate whether compensation is payable to the Claimant under the settlement by:
 - a. Reviewing whether the Claimant confirmed she was notified by the police about the alleged surreptitious video recording and that she believes she was negatively impacted as a result; and,
 - b. Confirming the Claimant is included on the list of Class Members produced by the Attorney General of Ontario pursuant to the Court Order dated February 18, 2020; and,
 - 3. Provide the Claimant with a Claimant Explanation Letter, which will explain the Claimant's entitlement, if any.
- d) Following the July 1, 2020 deadline, Class Counsel will send every known Class Member and Claimant a Claimant Explanation Letter by no later than July 23, 2020, which will:
- i) Advise the Claimant of Class Counsel's evaluation of their entitlement, along with a conservative estimate of their compensation, if any, under the settlement as calculated in accordance with this Guideline; and,

ii) Advise the Claimant that they may commence an Appeal to the Administrator by:

1. Completing an Appeal Form;
2. Submitting the Appeal Form to the Administrator by **August 24, 2020**; and,
3. Acknowledging that an unsuccessful appeal will result in the cost penalty of \$250 to be paid by the Claimant.

iii) Explain how the Appeals would be resolved by the Administrator, and specifically that the Administrator would:

1. Review the Appeal Form;
2. Receive and review the Class Member's Compensation Request Form and claim analysis provided by Class Counsel;
3. Offer the Appellant an opportunity to participate in a telephone call with the Administrator about the basis for their Appeal on or before September 21, 2020;
4. Offer the Appellant an opportunity to submit further written submissions in relation to their appeal on or before September 21, 2020;
5. Consider the merits of the appeal;
6. Evaluate whether the Appellant has met the burden of establishing that Class Counsel made material errors in the evaluation of their entitlement, pursuant to the terms of the Settlement Agreement and this Guideline;
7. Make a final determination of the Appellant's eligibility for compensation; and,
8. Report by letter to the Appellant within 7 days of receiving written submissions or completion of the telephone interview the outcome of the Appeal and any cost penalty impacts for an unsuccessful appeal.

2) The Administrator's Role

a) The Administrator shall:

- i) Receive the Settlement Payment, as defined in the Court Approved Settlement Agreement, in trust;
- ii) Receive Class Counsel's matrix outlining Class Counsel's calculation of entitlement for all Claimants under the Settlement, including contact information for all Claimants;
- iii) Receive Appeal Forms from Claimants on or before August 24, 2020. Any Appeal Form received after that date will not be considered for review;
- iv) Advise Class Counsel of all Appeal Forms received by the Administrator;
- v) Receive Class Members' Compensation Request Forms and claim analysis from Class Counsel after receipt of an Appeal Form;
- vi) Administer Appeals, by:

- 1. Reviewing the Appeal Form and any documents and information provided;
- 2. Allowing Appellants an opportunity to make written submissions or verbal submissions by telephone in relation to their appeal by no later than September 21, 2020, with a general one hour time limit that may be extended in the Administrator's sole discretion;
- 3. Review the Appellant's Compensation Request Form and Class Counsel's claim analysis and consider the merits of the appeal;
- 4. Evaluate whether Class Counsel has made a material error in relation to the evaluation of the claim. Only if the Appellant is able to establish a material error was made, will the Administrator determine if the Appellant is eligible for compensation as a result;
- 5. Report the outcome of the appeal to the Appellant and Class Counsel within 7 days of the telephone call or receipt of written submissions. The decision of the Administrator in relation to appeals is final and binding and cannot be challenged; and,

6. Send a cost account of \$250 to those not entitled to compensation with an unsuccessful appeal.
- vii) Confirm whether certain Claimants are Class Members upon written request of counsel for the Defendant; and,
- viii) Distribute the settlement funds to Class Members and Class Counsel as ordered by the Court.

NOTE: All of the estimates contained in this Guideline are estimates made by Class Counsel and they have not been made by The Estate of Dr. Anthony Garry Solomon, deceased, or any Releasee. Neither The Estate of Dr. Anthony Garry Solomon, deceased, nor any Releasee accepts any responsibility whatsoever for the accuracy of Class Counsel's estimates.